The Puzzle of India's Governance

Culture, context and comparative theory

Subrata K. Mitra

Routledge advances in South Asian studies

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India no longer gets an easy ride as the world's largest democracy. Spectacular terrorist attacks on India's Parliament and places of worship, communal riots of unprecedented ferocity, lingering separatist insurgency and violent caste conflict in impoverished regions have combined to cause a closer appraisal of India's capacity to sustain the rule of law.

This book examines how India has been able to sustain democratic governance while undergoing substantial social, economic and political changes through a neo-institutional rational choice model of governance, bounded by local culture and context. The author applies the central logic of bounded rationality to fresh data derived through quantitative and qualitative methods from a geographically diverse, multi-ethnic, post-colonial state. It sheds light on governance in India and generates findings relevant to cross-national studies of governance. The book shows how elites, by drawing on the logic of human ingenuity, driven by self-interest rather than mechanical adherence to tradition, and innovating new procedures when it suits them, can enhance governance through appropriate policies, institutions and processes.

This book will be invaluable to researchers and students of South Asia and will be of significant interest to those studying governance and the rational actor model.

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Foreword

Susanne Hoeber Rudolph

In this methodologically wide-ranging book, Subrata Mitra means to teach a number of lessons simultaneously: what methodological strategies are worth pursuing; how to think about comparison; how to use statistical data to lend a certain objectivity to the assessment of a successful state; how to use survey research to assess the standing of the state with its constituency; how to deploy an 'analytic narrative'. He teaches these lessons in the context of a book that assesses the Indian state.

For Mitra the glass of successful governance is half full. He opens the book with a challenge to political scientists who view the glass as mostly empty, warning of impending chaos. Mitra makes a convincing case that India has achieved a vibrant democratic polity: an immense social revolution has replaced upper-caste control of most Indian state governments with lower-caste control; substantial power has shifted from a centre-dominated command economy and unitary federalism to a pluralist federalism of relatively autonomous states; a reasonably tolerant and secular India has survived the challenge from fundamentalist Hindu nationalism; effective democratic institutions have produced an electorate in which 60 per cent believe their vote is efficacious.

The book is organised around the idea of governance, a concept that is given a number of dimensions. The first dimension embodies a position on the debate between structure and agency in the context of rational choice and utility maximisation. Governance depends on whether or not people choose to follow or rebel against the transaction rules. Governance is 'high' when people follow the transaction rules. Their decision, Mitra argues, 'is not in any way determined by culture or context but necessarily involves their perception of potential rewards'. This rather barebones utility maximising explanation places the individual and choice at the centre of the story of successful governance. But the explanation is quickly given a wider context, constituted by the 'landscape of the inner world [of the actors and their] embedded values, understanding their perception of reality in terms of their motives and the information at their disposal, and analysing the political process that binds them to the larger moral universe of which they see themselves as a part.'

Governance is also given a rather minimalist empirical characterisation. It is operationalised by giving it a very precise statistical meaning, an index of riots and an index of murders, and an aggregate index in which the two are combined. Thus when the aggregate index shows Punjab as having more murders and riots per capita than Gujarat, then Gujarat is seen as having a higher level of governance.

Mitra most emphatically does not mean 'good governance' as that term is now conventionally used in multilateral circles. He points out that good governance usage has much in common with modernisation theory. It provides a rhetoric by which knowledgeable advisory teams dictate their notions of governmentality to recipients considered in need of such advice. ' "Good governance" privileges those who have ontological control over the definition of good government.' For Mitra, governance means the orderly conduct of affairs on principles that are dictated as much by political articulations from below as by expert guidance from above.

Mitra qualifies his commitment to statistical explanations of behaviour and to the transparency of facts with recognition of constructivist possibilities that can destabilise the world of self-evident facticities. 'The quantitative approach followed here finds a useful complement in the political discourse of stakeholders, and qualitative methods that reveal . . . meanings, symbols and narratives.' In discussing riots, which figure centrally in his working definition of governance, he notes that the statistical facts about riots are only a partial representation of the perceived phenomenon. The facts 'become theoretically meaningful only when the analyst succeeds in connecting the objective facts of the narrative to their subjective meaning and intention'. He emphasises that exterior or behaviourist approaches need to be supplemented by questions of values, identity and the inner world of the decision-maker.

Comparison, as in 'comparative politics', is usually envisioned as a multinational enterprise, for example comparing Brazil and India. Mitra sees India itself as a comparative arena in which the twenty-eight states represent distinguishable universes that invite comparative exercises. Indeed Myron Weiner, Atul Kohli and Aseema Sinha have used just such an approach. The virtue of such an intra-country comparison for Mitra is the common framework of an Indian poltical system. His sharp, succinct representations of politics in six of India's states stresses the great differences among them, differences which in turn account for variations in the quality of governance.

While conceptually Mitra conceives of governance in an expansive way, his key empirical measure is parsimonious. It consists of the level of murders and riots expressed as a proportion of the population and based on Home Ministry (Government of India) data. Thus Bihar greatly exceeds that national level for murders and riots and Maharashtra falls below. But he moderates his employment of such an objective measure,

asserting the need to move from objective indicators such as murders and riots to the discourse about these acts as defined by the actors.

Mitra relies on a dense web of determinants to make his case, consisting of: summaries of the formal constitutional provisions that define realms such as the secularist features of the Indian state or the division of competencies between the states and the centre; historical accounts ('analytic narratives') of the emergence of distinctive features in six states; survey findings of the 1996 National Election Survey; and elite interviews conducted in the six states under investigation. He gives special attention to the police as a critical element in governance, to the religious dimension of communalism and to the relationship between party and governance.

Mitra isolates a number of factors that account for the success of India's governmental institution in a world of failing or failed ex-colonial states. One factor is 'the capacity of modern institutions to tap into the historical memory of the pre-colonial state tradition'; another is 'the political process that tends to cut across groups rather than cumulating conflict in a manner that would deepen the chasm that divides them'. A third is 'the joint history of British rule and Indian resistance' which helps to account for the positive features of the post-colonial state.

Students, scholars and policy-makers in India will find that the large array of methodological approaches and substantive explanations that Mitra's book launches to be of great value. Mitra has succeeded in casting new light on the study of governance and of India.

Susanne Hoeber Rudolph
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Preface

Why did India succeed in making a relatively peaceful transition from colonial rule to a resilient, multi-party democracy, while many other countries did not? The book formulates an answer to this question in terms of a model of orderly rule. The key element of the model is a simple question based on the logic of two-person, non-cooperative games: why do people follow rules sometimes and not at other times? The core question underpins semi-structured interviews with regional elites – political leaders, bureaucrats and police officers in Punjab, Bihar, West Bengal, Tamil Nadu, Maharashtra and Gujarat – and an attitude survey of the Indian electorate. In selecting the regional states, chosen from the 'four corners' of India, for detailed inquiry, the research design has taken into account the wide variation in factors that affect governance. The qualitative information culled out of the interviews and attitude surveys, and the aggregate data on aspects of governance, constitute the empirical basis of my analysis of governance, which serves as a window into the larger puzzle of the resilience of the Indian state and its institutions.

Governance is high when people follow the rules of transaction. I assert in this study that the knowledge of factors that lead individuals, groups and leaders to transgress rules holds the clue to the state of governance. The choices and attitudes of these political actors form the empirical basis of this study. These leaders and political agents are located in different regional and local contexts of India, and respond to the challenges they face in their everyday lives through a complex repertoire that combines protest and participation. In their attempts to get the best deal out of life, they mobilise their social networks and form, and occasionally transform, cultural norms. Their consequent musings, tactics, anger, anxiety – or sullen silences – are significant for the understanding of governance in India.

The book examines these multiple pressures under which individuals choose to act, or not to. The factors that explain the individual's choices with regard to the rules of transaction form the heuristic guide to my analysis of governance. The quantitative and qualitative data are supplemented with fragments of political discourse from the six regional states in

the form of long analytical narratives, in order to give the reader a flavour of the 'real world' of India's towns and villages. I have drawn on this quantitative, qualitative and discursive data to test my hypotheses. These findings, I believe, can help construct a general model of governance as a key to the resilience of the Indian state.

The book brings together material that I have collected over the past ten years. During these years, I have taught, supervised, changed jobs and countries, and worked on other writing projects (*Legitimacy and Conflict in South Asia*, 1997, and *Culture and Rationality* and *Democracy and Social Change*, both published in 1999). But governance has remained something of a fixed Pole Star during the entire period. These years have been marked by long spells of absence when I have been away for fieldwork, or silence, when at home; I take this opportunity to gratefully acknowledge the indulgence with which my loved ones have accepted both. Colleagues and friends in India have guided me to archives, political leaders, journalists, administrators, police officers and fellow political scientists with whom I have held extended conversations. Their reasoning, and information generously provided by them, have been invaluable for my work. The collection, collation and interpretation of qualitative data and the multivariate analysis of quantitative data have been made possible through the kind help of friends located over many time zones. As I thank them in grateful recognition, I ardently hope that I have been able to do justice to their contributions, and that they would recognise the moments we have shared in my text.

Since the rule of honourable anonymity does not apply to institutions, I would like to thank the German Research Council (DFG) in Bonn for the main research grant, colleagues at the Jawaharlal Nehru University and the Centre for the Study of Developing Societies in Delhi; the Central University of Hyderabad; Utkal University in Bhubaneshwar, Orissa; the School of Politics, Nottingham, UK; the da Foscari University of Venice; the Centre for Development and Environment in Oslo; and Queen Elizabeth House in Oxford, for critical readings, conversations and hospitality. My thanks to Heidi Bagatazo and Dorothea Schaefter at Routledge, and to Gail Welsh and Peter Harrison, for excellent editorial help. Most of all, I would like to thank the South Asia Institute of the University of Heidelberg, my academic base for the past ten years, for excellent academic support, an interdisciplinary environment and a much appreciated sabbatical.

I dedicate this book to my father, Mr Haripada Mitra, distinguished civil servant, avid Rotarian and, more recently, dedicated grower of cashew nuts. Before I began my formal training in political science, I had already learnt from him that justice tempered with compassion is the first rule of governance.

Heidelberg
November 2004

Abbreviations

ABVP	Akhil Bharatiya Vidyarthi Parishad
ADMK	Anna Dravida Munnetra Kazhagam
AICC	All India Congress Committee
AIDMK	All India Dravida Munnetra Kazhagam
AIFUCTO	All India Federation of University and College Teachers' Organisations
AISSF	All-India Sikh Students' Federation
BJP	Bharatiya Janata Party
BKS	Bharatiya Kisan Sangh
CBI	Central Bureau of Investigation
CPI	Communist Party of India
CPI(M-L)	Communist Party of India (Marxist-Leninist)
CPI(M)/CPM	Communist Party of India (Marxist)
CrPC	Criminal Procedure Code
CWC	Congress Working Committee
DK	Dravida Kazhagam
DMK	Dravida Munnetra Kazhagam
DRDA	District Rural Development Agency
GNP	Gross National Product
IAS	Indian Administrative Service
IPC	Indian Penal Code
IPS	Indian Police Service
JD	Janata Dal
KHAM	Kshatriyas, Harijans, Adivasis and Muslims
KMPP	Kisan Mazdoor Praja Party
KPP	Krishak Praja Party
LF	Left Front
LJP	Loktantrik Janata Party
MGP	Maha Gujarat Parishad
MLA	Member of the Legislative Assembly
MP	Member of Parliament (of either house)
NDA	National Democratic Alliance
NES	National Election Study

NTC	Nationalist Trinamool Congress
OBC	Other Backward Classes
PEPSU	Patiala East Punjab States Union
PWD	Public Works Department
RJD	Rashtriya Janata Dal
RJP	Rashtriya Janata Party
RSS	Rashtriya Swayamsevak Sangh
SDM	subdivisional magistrate
SGPC	Shiromani Gurudwara Prabandhak Committee
SMS	Samyukta Maharashtra Samiti
SRC	States Reorganisation Commission
SUCI	Socialist Unity Centre of India
UF	United Front
UPA	United Progressive Alliance

1 Introduction

A comparative theory of governance

The problem stated

The transfer of power from colonial rulers to their Indian successors in 1947 marked the birth of the independent Indian state. But this most significant of moments in Indian history was tarnished by post-Partition Hindu–Muslim riots of unprecedented violence. Compared to the violent chaos and uncertainty of those desperate days, the institutions of state such as the Parliament, the Police, the Army, the Civil Service, the Judiciary, federalism and the party system five decades later come across as singularly robust, vital and resilient. Thus, India belongs to a minority of changing societies[1] that have achieved the distinction of having durability, adaptability and innovativeness as characteristics of their institutions. This distinction, of course, also belongs to the People's Republic of China, except with one major difference. In spite of sporadic inter-community riots, violent insurgency in border regions and Maoist uprisings deeper inland, missing from the Indian case are the vast tragic costs in human lives which have gone into maintaining the resilience of Chinese institutions.[2]

I argue in this book that the relatively benign elasticity of India's institutions is the result of effective governance (a concept I shall use throughout this text to imply orderly rule), the result of strategic thinking on the part of her elites. India's decision-makers in politics, administration and the management of law and order, based in localities, regions and at the national level, often owe their own origin and survival to their effectiveness as brokers between the modern state and traditional society. Indian democracy both ordains and lives by the resonance between elite decisions and mass preferences. In contrast to the prognosis of an earlier generation of scholars, who saw a 'cruel dilemma' between democratic paralysis and a 'strong element of coercion' (Moore 1966: 410) as conditions for the transition into self-sustained orderly and democratic rule, this book suggests that individual rationality bounded by local context and embedded values, based on the perception of sanctions, welfare and identity as well as general trust, is the main motor for innovative, systematic, orderly change.[3]

I suggest in this book that governance, more than the innate cohesion of Indian society and culture, or the specific context of colonial rule and transfer of power, is the key to India's resilience. I develop this argument on the basis of a rational choice, neo-institutional model of political transactions that lead to governance. The model (Figures 1.2 and 1.5 – see later in the chapter) underpins my analysis of empirical data drawn from six regional states of India.

The book thus draws on the case of India to ask a general question: why does governance vary in time and space? Based on the logic of instrumental rationality, I suggest that governance is high when people stick by the rules of transaction, be they customary, administrative, legal or constitutional. But the answer itself begs a deeper question: why do people follow rules in some situations and not in others, and why do people in similar contexts behave differently with regard to specific rules?

Possible answers to these questions usually point in the direction of one of two different scholarly approaches to governance. Advocates of 'social capital' (Putnam *et al.* 1993) find their solution to the problem of orderly rule in trust, shared norms, reciprocity and social networks, all of which constitute a *culture of governance*. In contrast, evolutionary institutionalism, the second major approach to political order, suggests the *context* of governance and the continuous and incremental evolution of institutions as the central explanation for orderly rule (Huntington 1968). It attributes the failure of changing societies to sustain governance not to their culture, but to the absence of strong, stable and resilient institutions. While I concede the importance of both culture and context in providing the backdrop to orderly rule, I suggest that order ensues when both sides to a transaction decide for their own reasons to abide scrupulously by the letter and spirit of the rule, and that the decision by the actors to stick by the rules of transaction is not in any way determined by culture or context, but necessarily involves their perception of potential rewards, risk and the comparison of likely outcomes, leading to a choice (North 1990; Baldwin 1995).

The inquiry into order and anarchy undertaken in this book builds on this core assertion. The explanation takes into account the context in which the actors are ensconced, delving into the landscape of their inner world and embedded values, understanding their perception of reality in terms of their motives and the information at their disposal, and analysing the political process that binds them to the larger moral universe of which they see themselves as a part. Actors see the decision to abide by the rule as a political choice in its own right, guided, like all political choices, by their perception and strategic calculations. Hence, the level of governance ultimately boils down to the strategic evaluation of rules by the *stakeholders*, a concept I use in this book to imply people who affect or are affected by a decision (Freeman 1984: 46). The stakeholders in India's governance whom I analyse in this book include ordinary people in the context of their

everyday lives as well as local, regional and national decision makers in public life. The motivations that underpin their decisions are guided by such basic concerns as security, welfare and identity, and, in the short run, by the tactical advantages of either abiding by rules, or contravening them in the myriad ways open to political men and women.[4]

Locating the puzzle

A cross-cultural theory of governance faces the challenge of providing a general explanation of governance which could be meaningful to actors at the lowest level of the political system as well as to the managers of the state and international organisations. In this book, I pose this general question of governance in the specific case of India, ensconced in her culture and bounded by her history. I have chosen India as an exemplar of a post-colonial, rich-poor state-nation, where modern institutions are wrapped around a society of which many important segments remains traditional. However, while my understanding of the empirical reality draws its inspiration from its characterisation by Rudolph and Rudolph (1967, 1987), Kothari (1970), Morris-Jones ([1964] 1987) and Moore (1966), conscious and consequent political choice rather than the teleological force that binds social segments with modern institutions is the crucial cutting edge of my analysis of governance.

The political process becomes a governance-generating process only when it is seen to be providing an incentive to those locked in combat to improve their lot through negotiation, or at least to fend off potential loss. On their own, neither culture nor context is sufficient (or, in some cases, even necessary) to generate governance. The normative basis of orderly rule is securely laid only when the decision-making elites are able to take cognisance of the raw stuff of interests, perceptions, identities and anxieties, shape them into negotiable packages, and devise methods of transaction that are both effective and legitimate.

The book builds on this heuristic insight primarily by drawing on the perceptions and strategic choices of elites who constitute crucial nodes of India's political structure and process. My second source of data originates from a cross-section of citizens, a vast majority of whom, thanks to India's robust democratic process, are conscious of their status as the ultimate governors of the land and have clear ideas about how their regions and localities should be ruled. Governance, in my approach, is a conceptual variable in its own right, open to measurement in terms of qualitative and quantitative indicators. Taking both ordinary people's and the elites' preferences as real and important points of departure distinguishes my approach from that of the *good* governance approach *per se*.

The need for an early clarification arises from the very popularity of the concept of 'good governance', which, during the past decade, has steadily come to be seen as the panacea for all the ills that might afflict the body

politic. As an issue of public policy, 'good' governance has steadily moved on to the agenda of international agencies,[5] national governments and campaigning politicians.[6] In its most typical form, this usage makes it possible for those with the money and the vision to instil their objectives in the qualifier 'good' that precedes governance. Even when the definers of good governance act out of the best of intentions, the pre-qualification lowers the legitimacy of the concept for those affected by it in direct proportion to the hiatus between what they perceive as their interests and those of their minders.

The second misnomer derives from the assumption that as an analytical problem, the issue of governance applies to those societies that need it, much like the concept of development, which, in the decades following the Second World War, became identified with underdeveloped (and later, 'developing') societies. By contesting the universal claims of secular modernity worldwide, and near home in India, suicide terrorism has knocked the bottom out of 'good' governance and added a moral element to governance which has been, so far, a public administration- and business management-inspired genre[7] aimed at poor, non-Western societies.[8] After 9/11, the political discourse of governance has necessarily to be seen as both moral, and global.

The dual character of governance where institutions, policies and methods are juxtaposed with anxiety, identity and insecurity is borne out by the experience of India, which shows that governance is not a linear, irreversible phenomenon. Apparently stable political systems in India's regional arenas, endowed with order and accountability, have collapsed into violent chaos with bewildering rapidity just as orderly rule has sprouted, phoenix-like, in dead-end, strife-torn localities and regions. Individual perceptions of governance can vary greatly within the same context. Similarly, India has experienced the authoritarian short cut to governance and its fragile, political basis, as well as the countervailing structure of powers of social groups opposed to the national state that can generate the room to manoeuvre for the marginal and the vulnerable (Mitra 1991b; Mitra and Fischer 2002), even though, at least at the outset, the modern state saw this as rebellious behaviour.

This uncertain and problematic juxtaposition of the perception by elites and ordinary people, and by the modern state and traditional society, describes the two faces of governance. While I do not set much store by the 'can do' optimism of the good governance approach, my general approach to the prospects of orderly rule in changing societies is not one of unmitigated pessimism either. The empirical spectrum of governance in India, just like the situation worldwide, is replete with both successful and failed cases of orderly rule. Contrary to the prognosis of the escalation of inter-community conflict (Huntington 1996; Brass 2003), results of the empirical investigations I report in this book do not show conflict based on the cleavages of caste, class or religion to be inexorable, or unavoidable.[9]

India commands attention as a challenging site for a theoretical and comparative inquiry into the politics of governance, seen in this study as a key to her resilience and a coping mechanism for the terrific strain that the pressure for change imposes on their carrying capacity (Figure 1.4 – see later in the chapter).[10] Despite regional variations discussed in Chapter 4, overall, India's continental dimensions and complex social structure manifest themselves in a cascade of political groupings that nevertheless are able to sustain coherent and orderly rule. Her political institutions and process, bearing the complex legacies of English utilitarianism, colonial rule and resistance to it through the mobilisation of marginal social groups and indigenous values, speak in a thousand and one voices but still ensure a general continuity in public policy. The book casts this puzzling resilience in terms of a general theory of governance by asking how much of this is attributable to a general explanation as opposed to accounts that inspire themselves mainly from India's culture and the specificity of her context.

India's famous inertia and surprising dynamism, finely ensconced within a façade of overall social equilibrium, have made her a favourite empirical base for theories of macro social change from Marx to Weber, Lerner, Moore and Huntington. Is this yet more evidence for the structural inertia of 'eternal' India, or is there a political process accessible through comparative theory that accounts for the resilience of India's institutions? The book responds to this question by exploring the conditions under which orderly rule is feasible. The hypotheses based on a deductive model, the research design that grounds the abstract model and the concrete realities of Indian politics in her regions and localities, and the actual empirical investigation are based on a study of institutions, policies, elite strategies and mass attitudes. While the book shares the neo-institutional approach to the analysis of governance with public administration and business management, its concern with values and identity adds the inner world of the decision-maker, the violent cusps of institutional discontinuity and historical memory, to the research agenda, all of which make its method more general in its scope and in the depth of engagement with the stakeholders.

Power and legitimacy: the two faces of governance

Thanks to the surge of suicide terrorism, security, more than welfare, has emerged as the main concern of governance worldwide. However, an exclusive preoccupation with terrorism and *demonisation* of the terrorist can divert attention away from some simple facts that give rise to violent political action in the first place. If ordinary people commit extraordinary acts at considerable risk to themselves, then, instead of dismissing them merely as irrational, one can consider their actions in the context where they occur. I argue later in the book, drawing on Tilly (2003) and Pape (2003), that looking at terrorists in context, as agents of their own destiny,

might be a better guide to comprehending their behaviour, and, eventually, to effective policy.[11] In its cross-cultural analysis of quantitative and qualitative data, the book asserts that governance is critically conditional on the ability of political institutions to accommodate embedded values and undertake strategic reform (Kohli 1987; Drèze and Sen 1995). The combination of innovative policy and the difficult balancing of sanctions and co-option can produce the best results. This is particularly true of post-colonial and post-communist states whose institutions lack indigenous roots in local society or collective memory. Of equal importance is the commitment of the state to individual and group rights as the cornerstone of democracy rather than the derivation of legitimacy from some predefined ideological, cultural or religious essence.

The existing literature gives empirical shape to the question as to why political order in changing societies evinces the tendency to go off track occasionally but then sometimes, as we notice in the case of India (Figure 1.1 – see later in the chapter), to bounce back. Drawing on the broader comparative literature, this book formulates a theoretical solution to this puzzle. The model that underpins the study draws on the inherent logic of human ingenuity, driven by self-interest, in abiding by rules when it suits the actor. The complex repertoire of political strategy includes the full range of political action, including the innovation of new institutions and practices. The comparative and historical approach to governance has lost some of its analytical and political edge to the political slogan of *good governance* (Jayal 1997), or is approached through culturally laden concepts such as ethnicity and fundamentalism, or the politically innocuous tools of public administration and business management. I attempt to regain the lost territory in this book. The quantitative approach followed here finds a useful complement in the political discourse of stakeholders, and in qualitative methods[12] that reveal finely grained portraits of meanings, symbols and narratives.

Following Laclau and Mouffe (1985) and Mouffe (1993), the book asserts that the 'discourse' arising out of the life worlds of the actors concerned underpins all social facts. Accordingly, the meaning of all facts necessarily depends upon a socially constructed system of rules, symbols and significant differences. Can one still talk of the statistical 'facts' of governance? The point is discussed at length in Chapter 2. Facts are intelligible to actors in context, and in terms of locally embedded values, but are comparable across actors in terms of their strategic logic. Rather than confining the cognition of social reality entirely to *facts* (reported by observers, statistical indicators or archives), the book engages both observers and actors by focusing on the discourse that connects them. (Figure 1.6 – see later in the chapter). It thus seeks to overcome the fact–value dichotomy of governance research, which, I argue, has impoverished the quality of its findings. I assert that there are neither 'sheer' facts nor 'mere opinions'. Both become relevant only when the analyst is able

to connect them in his or her narrative through references to similar connections made by actors in their discourse.[13] As I argue in Chapter 2, both the statistical facts of a riot and the meanings attached to the event are true but partial representations of reality. They become theoretically meaningful only when the analyst succeeds in connecting the objective facts of the narrative to their subjective meaning and intention.[14]

The Indian context

Resilient political institutions and orderly rule have long made India an exception in the turbulent political world of changing societies. Not surprisingly, India has attracted considerable attention from scholars of social change. Why is India different in this respect from the majority of changing societies? If India, following independence, succeeded in achieving a high level of governance compared to the majority of post-colonial states, then why did this record of high governance register a sharp decline in the 1980s? And why did this decline not become terminal, instead giving an appearance of bouncing back (Figure 1.1)? Finally, why does the level of orderly rule vary widely across regional states? These empirical questions indicate why an analysis of the Indian case offers the challenge engaging with general and comparative theories of governance, political change and stability.

Quite understandably, outsiders looking in have held up the *otherness* of India[15] and the enduring influence of Hindu culture as explanations of the resilience of her political system.[16] The salience of governance as a central focus for research in Indian politics is reflected in the large interest it has consistently drawn.[17] Selig Harrison's early warning of impending chaos in *India, the Most Dangerous Decades* (1960) found a contrast in Rajni Kothari's *Politics in India* (1970) and Morris-Jones's *Government and Politics in India* (1987), both of which provide succinct explanations of the resilience of India's political institutions.

In contrast to these accounts, this book focuses on intra-system attributes such as rules, institutions, perceptions and strategies of key actors in order to explain the particular case of India in general terms. In consequence, rather than the inherent stability of her culture or the uniqueness of her context, the book draws on the political process for an explanation of India's capacity for sustaining orderly rule. An immediate predecessor it builds on is Atul Kohli's *Democracy and Discontent: India's Growing Crisis of Governability* (1990), which first made governance accessible to cross-regional analysis. Kohli's findings, with their rigorous use of primary sources backed by a well-designed analytical grid, have two major implications for my study. In the first place, they lend credibility to the application of a quantitative and comparative method to an area of inquiry that has been approached mostly through case studies, making generalisation difficult. The second implication follows the hiatus between

Kohli's predictions and the subsequent developments.[18] Its identification and analysis help take a critical view of Kohli's method in a manner that could contribute to the cumulating of knowledge with regard to a comparative theory of governance.

The publication of Kohli's findings on India's governability was preceded by the turbulent 1980s, referred to in the writings of the period as 'deinstitutionalisation', a period that saw the quickening of terrorism in Punjab, insurgency in Kashmir and Assam, and increasing challenges to the modern 'secular' state from Hindu fanatics. This trend found an echo in Kohli's forecast of increasing disorder. However, the replication of his analysis, based on the same technique and real data, questions his prognosis because, contrary to his prediction, one finds a downward trend in terms of riots (his main indicator for low governability) (Figure 1.1). What explains the hiatus between prediction and reality?

In his recent work, Kohli (2001) has explained it by attributing India's stability to the effectiveness of her democratic process. This has opened a new research frontier in this field that goes beyond the structure of social and economic cleavages to an actor-oriented approach. This new research programme considers order and power sharing in terms of individual and elite strategies. Liberal institutions have followed a different historical trajectory in India compared to those in Western societies. In consequence, Indian developments are not adequately explained by models that consider democratic governance as an outcome of class conflict where a victorious bourgeoisie, drawing its political momentum from the industrial revolution, establishes a shared interest in terms of rules of

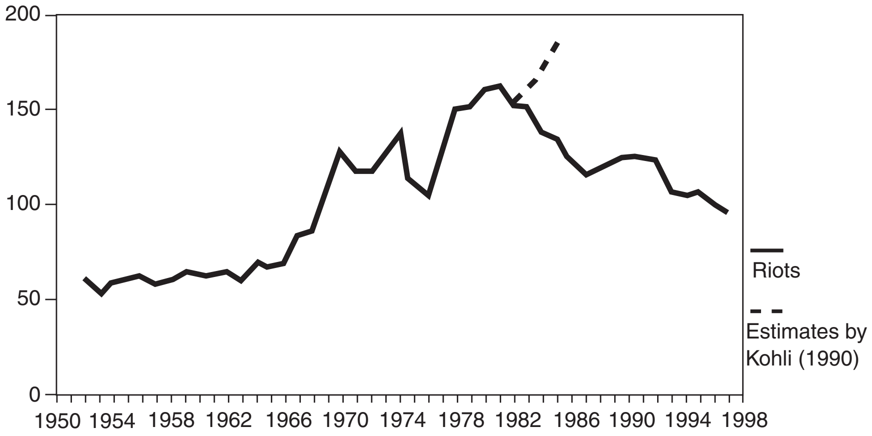

Figure 1.1 Riots in India, 1950–98 (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

Key
The broken line shows the prognosis of Kohli (1990).

transaction that respect the rights to property and participation (Moore 1966; North 1990).[19] In India, popular democracy, rather than following the transformation from agrarian-feudal to industrial-egalitarian, has preceded it (Mitra and Singh 1999). But instead of the chaos, military dictatorship or authoritarian rule in other forms, predicted by conventional theory (Figure 1.4 – see later in the chapter), India has been able to sustain both her democracy and orderly rule. The puzzle of India's governance thus becomes central to the putative generality of democratic theory.[20] The section that follows recasts the research agenda on governance in terms of the most basic of political transactions, which characterise political order as the outcome of a game on the rules of the game.

The stakeholder's dilemma: governance as a game on the rules of the game

Rules are crucial to governance. Rational individuals will be governed if, and only if, they consider being governed worth their while. People stick with rules when they perceive that orderly transactions yield more than they could expect to gain by breaking the rules. It helps in the comparison of alternatives when rules are precise, explicit, transparent, constitutional and comprehensive, characteristics that enhance governance. In some situations, what the rules require and the perception by the players of their interests converge in a manner that contributes to the resilience of the system. In other cases, a gap between the two results in consistent disregarding of rules, which in turn reduces institutions, and ultimately the state as a whole, to an empty shell (North 1990; Baldwin 1995). This abstract conjecture can be illustrated through an analysis of political transaction at its most elementary level in the form of a two-person, non-cooperative game.[21]

The level of governance of an organisation depends on the ability of the stakeholders to learn the rules of the organisation and conduct their transactions according to those rules. The level of governance of a state depends on its ability to transform citizens into actors and stakeholders in the main organs of the body politic.[22] The pay-off matrix presented in Figure 1.2 depicts the alternatives available to two political actors (political in the sense that they are capable of constructing strategies by which to reach their objectives). Each of them has the choice of getting on with the transaction at hand according to the rules, or of trying to maximise his or her expected gain by breaking the rules. When they play the game according to the rules, they get, respectively, K_1 and K_2 as pay-offs. No interpersonal comparison of utility is involved. Our objective is to infer the likely choice of alternatives for each actor on the basis of that actor's expected utility calculus. In the context of this game, as indeed in real life in general, actor 1 (and 2) might consider breaking the rule; either

or both might be tempted by inducements not permitted under the rule (e.g. threats, corruption), or might bribe or coerce the electorate (electoral fraud); or they might fudge the rules in favour of kin (nepotism). Industrial unrest, riots and political violence are extreme cases of a failure on the part of the actors to observe the rules of transaction.[23]

The situation depicted in the pay-off matrix shown in Figure 1.2 suggests a situation where two *rational* players (egoistic, expected-utility maximisers, such as the competitors in a single-member electoral constituency under plurality voting rules) who do not have any means of communicating with one another are considering their options. Each has the choice of (1) abiding by the rules of transaction, and getting an expected reward (K_1 and K_2, respectively), or (2) breaking the rules, in an effort to improve their expected gain (respectively, e_1 for the first player and e_2 for the second). A two-party competition in an electoral constituency, or the customary contract between a *sahukar* (landowner) and a *halia* (a hired hand), are illustrations of a game of this kind.

In either case, the total gains are fixed (number of votes in a constituency or total produce from a piece of land under available technology) and, under the rules, each player has a rough idea of what he or she can expect. Each, ensconced in the context of the game, might also be aware of 'illegal gains' that can be made by flouting the rules. The candidates might offer bribes or threats to influence voting; the agricultural worker might steal when not under supervision and the landowner might break the contract and coerce the worker for additional gratification.

		Player 2: Obey the rule	Player 2: Do not obey	(Minimum that player 1 can expect from the alternative)
Player 1	Obey the rules	K_1, K_2	$K_1 - e_2, K_2 + e_2$	$K_1 - e_2$
	Do not obey	$K_1 + e_1, K_2 - e_1$	$K_1 + e_1, K_2 + e_2$	$K_1 + e_1$
(Minimum gain for player 2)		$K_2 - e_1$	$K_2 + e_2$	

K Pay-off when the player obeys the rules
e Additional gain to players from breaking the rules

Figure 1.2 The stakeholder's dilemma: pay-off matrix for a two-person game on the rules of the game.

Neither side is fully transparent to the other. Their decisions are made unilaterally with the sole objective of maximising their expected gain. In an episodic (i.e. one-off) play of the game, there is enough incentive for a player to break the rules, in that he or she would expect the other player to do just the same. Thus, ordinarily it is possible to envisage that the outcome could be chaotic should either or both choose to disobey the rules.

Even egoistic players who are concerned only about their personal welfare can see why the outcome where both players simultaneously expect to improve their interests is not sustainable. The sum of expected individual gains in the situation where both flout the rules is $(K_1 + e_1) + (K_2 + e_2) = (K_1 + K_2) + (e_1 + e_2)$. By definition, $K_1 + K_2$ is the maximum allocable value of the transaction (e.g. the total number of votes in the constituency, or the maximum produce from a piece of land), and the expected values of both e_1 and e_2 are more than zero (failing which they will constitute no incentive at all for the players concerned). Hence, the players can 'win' only by cutting into the share that the adversary would normally expect when both play according to the rules. Rule transgression can thus introduce a measure of uncertainty to the outcome (e.g. competing candidates 'poaching' into each other's electoral bases), an uncertainty that will get worse with each play, until the chaotic outcome will in all likelihood end the game altogether.

Egoistic players are aware that when transactions break down (e.g. when the harvest is set on fire or the electoral outcome in a constituency is perverted through electoral fraud or violence), neither side gets anything at all. Each player thus has a vested interest in keeping the game going. It is thus possible that they will generate a mechanism of self-policing, failing which they will abide by exogenous policing in the form of guaranteed, graduated sanctions against rule infraction. Thus, a combination of sanctions (which deters rule breakers) and welfare (which satisfies minimum expectations) will keep the game going. However, if the players believe that the likely rewards (K_1 and K_2) are well below what they are entitled to and what their minimum needs are, they will, as we learn from Scott (1985) and Gurr (1970), find myriad ways of breaking the rules of transaction.

The book makes use of the abstract model depicted in Figure 1.2 as a heuristic device to explain cases of order and anarchy in the political arenas of India's regions and localities. The explanation on the lines explained in Figure 1.2 helps us build an empirical research agenda that calculates the costs and benefits of observing order from the point of view of the actors (ordinary people in everyday transactions, policemen facing indecisive colleagues or adversaries, political leaders competing against one another for votes, influence or patronage) involved. Concrete examples such as this help us draw the general lesson about conditions under which orderly rule is possible.

Following the above, rational expected-utility maximisers do not necessarily end up in an anarchic situation, because their options in the real world are constrained in a variety of ways. These constraints, which I shall specify in terms of seven testable hypotheses, are crucial for the existence of order, rules and institutions. They are drawn from constitutions, social structures, cultural habits or political processes. Thus, rule-abiding behaviour does not necessarily follow from altruism, instinct or habit. People abide by the rule out of strategic considerations. Hence, the level of governance is contingent on the perception of sanctions, welfare and trust by the actors concerned. An analysis of simple political situations helps build more complex models for the analysis of complex political systems. Simply by stacking games on top of one another (the national–regional–local linkages discussed in Chapter 4 illustrate this), one can describe complex political situations through a chain of hierarchical games.

The book approaches India's governance through a model of politics that requires no more of actors than the pursuit of goals that *they* consider important. These subjective goals that go into the empirical analysis are derived from a cross-sectional survey of the Indian electorate and interviews with regional stakeholders from six Indian states. The states – Punjab in the north, Bihar and West Bengal in the east, Tamil Nadu in the south, and Maharashtra and Gujarat in the west – are chosen with an eye to generalisation as well as to provide comparative breadth and ethnographic depth to the study (see Figure 2.3). Comparable in size to larger European national states, these Indian states vary greatly in terms of culture, institutional heritage, economy, social composition and political forces, while functioning within a common constitution. These political units are constitutionally endowed with enough autonomy and authority to merit their consideration as arenas for the analysis of governance, as well as, thanks to their common constitutional basis, constituting a 'sample' for India as a whole through the pooling of their political experience.[24]

Methodological individualism and the issue of bias

The dilemma between playing by the rule and engaging in criminal self-help is less of a problem for actors and managers alike in societies with strong, culturally embedded institutions.[25] In contrast, the game on the rules of the game is far more politically visible in most post-colonial and post-communist societies, where the rules are not the product of a long, incremental evolution. The decision by actors to set the rules of the game aside and the political process that leads them to this option, often at the cost of great risk to their lives and material comfort, is one of the core issues that the book takes up. The model suggests some hypothetical answers to the strategic issues of governance, which I investigate through

quantitative data, narratives of disorder, and conversations with actors in this game.

Academic research on such a politically potent concept as governance is fraught with difficulties, not least because of the bias that the method itself introduces to the analysis. How appropriate is a model based on methodological individualism to the analysis of changing societies where moral bonds are based on primordial identities? Form affects content. Can rules based on individual calculation of benefits gain acceptance in societies based on caste, class, tribe, race, language, partisanship and religion?[26] The problems of measurement of governance arising out of this methodological issue are dealt with at greater length where I outline the research design (Chapter 2), but the issue of a possible liberal bias on account of the method on which the study is based needs to be taken into consideration at the outset.

The liberal bias specific to rational choice consists in the value of individual choice, seen as the building block for political institutions. In my attempt to overcome possible sources of bias emerging from too close a reliance on the state (or, for that matter, on its challengers), I have chosen to articulate *both* their constructions of governance.[27] States typically measure the decline of governance in terms of violent deaths, for states alone hold the monopoly to legitimate violence. Riots and insurgencies are additionally perceived as evidence of a radical decline in governance. In contrast to the state-centric view of governance, as the society sees it, a decline in governance is registered when ordinary people perceive a decline of law and order, indicating a sense of insecurity, uncertainty and anxiety. I have attempted a solution to this potential divergence between the state–society dichotomy by taking both the state-centric and society-inspired indicators into account. This, I argue, is an improvement on the bias in *good governance*, because the method does not enjoin us to 'think inside the box' of 'one-size-fits-all modernity' in terms of inherited, liberal institutions. In contrast to good governance beholden to liberal institutions, the method followed here, which takes both states and societies into account, is receptive to institutional innovation.

A neo-institutional model of governance based on elite strategies

A liberal democratic theory of governance (March and Olsen 1995) holds that the probability of the breakdown of law and order is low in a situation where political parties and pressure groups, capable of articulation and aggregation of political demands, act as intervening structures between government and society. The state and the constitution within which such societies are embedded provide an overarching framework that acts as the boundary condition to the competition, collaboration and occasional conflict between the concerned actors. An intelligent and effective

government – that is, one that listens to the society and where the bureaucracy manages to implement that which is legally ordained – can be presented in terms of the model depicted in Figure 1.3.

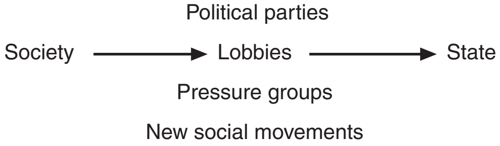

Figure 1.3 The liberal model of state–society linkage.

The model follows the logic of North (1990). In terms of comparative conflict resolution, Huntington (1968: 55), Gurr (1970) and Almond *et al.* (2000) explain why the political process described in Figure 1.3 becomes problematic in *changing societies*, where rapid economic and social change combined with inadequate institutionalisation and parties with a narrow social base can lead to violent protest, crisis and decline of legitimacy. This causal link can be specified in the form of the Huntington–Gurr 'polarisation' model (Figure 1.4). The factors that Kohli points out in his account of political change in India leading to the 'governability' crisis substantiate the conjectures of this model.

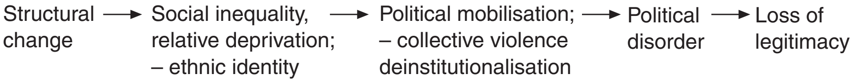

Figure 1.4 The Huntington–Gurr 'polarisation' model.

Political stability in the locality and region in post-Independence India, as is shown in the analytical narratives in Chapter 4), was sharply challenged by social marginal groups empowered by competitive electoral mobilisation (Frankel and Rao 1990; Mitra and Singh 1999). According to Kohli, during the decades since independence, vertical patterns of fealty were eroded and new social groups entered the political arena. In the absence of conflict-resolving institutions, these changes led to an increase in political violence. The problems of governance arose from the fact that the highly interventionist democratic state in India became overloaded by various group demands:

> The evidence for eroding political order is everywhere. Personal rule has replaced party rule at all levels.... Below the rulers, the entrenched civil and police services have been politicised. Various

> social groups have pressed new and ever more diverse political demands in demonstrations that often have led to violence. The state, omnipresent but not consistent in its reactions, has led to further opposition.
>
> (Kohli 1991: 3)

Among the factors that Kohli holds as causal to the crisis of governability are

> the deinstitutionalizing role of national and regional leaders, weak political institutions, 'the undisciplined political competition', politicisation of 'all types of social divisions, including caste, class and ethnic cleavages', and numerous strategies, including . . . violence [which] have been used to gain access to the state's resources.
>
> (Kohli 1990: 385)

Kohli's comparison of the levels of *governability crisis* in different states of India is a major advance on previous studies because it helps isolate the *political factors* that underpin governmental crises, on the basis of inter-state comparison. Kohli found Bihar virtually in a state of war of each against all, and Gujarat caught in intense political conflict on communal lines. West Bengal, in contrast, provided a portrait of generally successful conflict management by a Marxist party turned into a reform-minded ruling coalition with a cohesive leadership, and a disciplined rank and file that has managed to plant itself firmly between the people and the government. The West Bengal situation thus resembles that of the model presented in Figure 1.3. The transformation of a radical Marxist opposition party into a ruling party within the confines of a parliamentary democracy with a written constitution is how Kohli explains the transformation of West Bengal's 'decade of chaos' into governance.

Factors such as the effective initiation and implementation of reform and law and order management which enhance governance can be specified in terms of the model presented in Figure 1.4. Political institutions, as interfaces of society and state can play a crucial role in this context (March and Olsen 1984).[28] This concept alerts us to the crucial room to manoeuvre that institutions can provide the new elites with. As Remmer, in her critical re-evaluation of the impact of Huntington's influential (1965) article on political development, reminds us: 'Standing at the intersection of political inputs and outputs, political institutions represent the "black box" of politics through which societal interests are translated into policies and policy outcomes' (Remmer 1997: 50). Crucial to the neo-institutional model is the 'room to manoeuvre' (Mitra 1991b) that the constitution permits the political elite (a democratic regime, as opposed to military rule, offers more scope for negotiation and bargaining) and the political accountability of the elites, which makes it necessary for them to engage in

purposeful social intervention. This solves the central puzzle in Huntington (1968: 55), namely how institutional change can add to stability rather than undermining it (Remmer 1997: 36). These ideas are captured in the model shown in Figure 1.5.

Further dynamism is added to the model by leaving open the criteria of legitimate political action to political actors at the local and regional levels. The response of the decision-making elites to crises through law and order management, strategic reform and redistributive policies, and constitutional change in order to give legitimacy to contested, embedded values, acts as a feedback loop that affects the perception of the crucial variables in Figure 1.5 by people at the local and regional levels.

Compared to the model presented in Figure 1.4, the model shown in Figure 1.5 introduces the additional parameter of policy responsiveness. These macro-manoeuvres have important bearings on the micro behaviour depicted in Figure 1.2. The perception by local actors of fair, responsive and firm elites at the next higher (in this case, regional) level lowers the temptation for one-off law-breaking, the perceived level of relative deprivation or a legitimacy deficit caused by the hiatus between locally embedded values and those espoused by the macro-arena. In a case of successful transaction, competing elites choose their options in a manner that maximises benefits and minimises transaction costs, and negotiate on the basis of a complex repertoire that combines instruments of rational protest with elements of participation such as contacts with higher-level decision makers, lobbying, voting and sending petitions.

India's significant achievement in the area of positive discrimination, which has successfully severed the cultural and economic links between caste and occupation, and legislation that has transformed social privilege into a politically contested concept bear ample testimony to the change that has come about democratically.[29] When elite initiatives result in redistributive policies and constitutional change, they lead to the reduction of *perceived* inequality and accommodation of normative issues such as that of group identity. Once the transcendental issues are incorporated

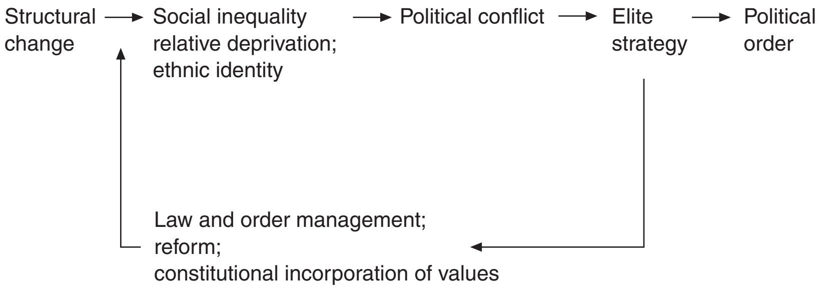

Figure 1.5 A dynamic neo-institutional model of governance based on elite strategies.

into the constitution through appropriate changes in the rules of the game and creation of new arenas, politics within the reconstituted units reverts to the transactional themes of material benefits.[30]

Rules, discretion and human agency

Rules – general norms mandating or guiding conduct or action in given types of situations (Baldwin 1995) – are, from the model shown in Figure 1.2, the main building block of governance.[31] Institutions are clusters of rules, or, as North conceptualises them, 'interacting sets of humanly devised constraints that shape human interaction' devised to promote human welfare, and revised from time to time for that reason (1990: 5). From the point of view of actors, an important issue that has to be considered by those designing rules concerns their accessibility and intelligibility. In order to facilitate perception, evaluation and risk calculation by the actors, rules need to be intelligible. No book of rules, least of all in the context of a changing society, can or should aim at easy, popular acceptance. In popular perception, rules embody the power of the strong. They sustain a status quo, just as a constitution gives legitimacy to a given distribution of power in society. Hence, the power of the weak consists in whittling them down in practice. Closely related to the legal force or effect of a rule is the prescription or sanction against rule infraction.[32]

Effective rule use demands both that compliance is produced and that compliance is linked to desired results (Baldwin 1995: 142).[33] That elite action has to be rule-bound in order to be useful in sustaining governance is a part of the constitutional design in all political systems. But can rules provide for all situations and, even if they did, since rules cannot anticipate all future situations, what kind of freedom of action should be permitted to the decision makers for situations that demand an 'exception to the rule'? This creates the room for intervention on the part of administrators and police officers, with its attendant risks for governance, themes which are taken up in Chapters 5 and 6. Finally, rules and the logic of appropriateness provide a link between the core values of a political system and the norms of 'right conduct' for those living within it.[34] But these institutional expectations also generate room to manoeuvre for political actors (Scott 1985).

The creation of a firm, fair, effective police force which guarantees the punishment component of rule breaking to be greater than its benefits can keep rational actors on the right side of the law. Effective social and economic reform that improves the normal pay-off to a point where the expected benefits of rule breaking are inferior to its costs can transform poachers into gamekeepers. Finally, a situation where the rules are offensive to one's identity and dignity so that rule transgression is seen as a benefit in its own right rather than a cost, illustrated by collective resistance movements ranging from terrorism to Gandhian *satyagraha* (Parekh

1989: 107–171) and, as such, superior to the rewards from rule conformity, can be made orderly by substituting the rules with others that reflect the core beliefs and values of the actors (Mitra 1999b).

Security, welfare and trust: some hypothetical parameters of governance

A neo-institutional model of governance incorporates at least four parameters: a bureaucratic state machinery that combines policy responsiveness and the management of law and order; contribution to agenda setting by elections, parties, pressure groups and local protest movements; political elites using two-track strategies that combine both institutional and non-institutional modes of action (Mitra 1991b); and the availability of constitutional change as a political resource. This model distinguishes itself from the structural–functional approach to resilience and change in India, which saw resilience as a function of the *jajmani*-based caste society at the micro level and the aggregative function of the one-dominant-party system at the macro level (Kothari 1970) because of its methodological individualism, the incorporation of rules as an endogenous variable and the specification of cultural and historical contexts as exogenous constraints that account for the bounded rationality of the actors. It develops a number of hypotheses to test the contributions of India's new elites (as compared to hereditary notables) to governance, which distinguishes it from structural approaches that predicted the loss of governance as a necessary consequence of the mobilisation of lower social classes (Frankel and Rao 1990).

The model suggests that stakeholders do not necessarily end up in an anarchic situation, because in the real world their options are constrained in a variety of ways. These constraints, sometimes drawn from constitutions, social structures, cultural habits or political processes, are crucial for the existence of order, rules and institutions. These can be specified in the form of the following hypotheses.

Law and order management constitutes an *exogenous* condition of order. Third-party intervention in the form of the paramount authority of the state is important for governance. When public officials manage to convince rational players that disobedience will be punished – that is, $e_1 < 0$, and $e_2 < 0$ – it functions as an effective condition for governance. It follows that *the higher the credibility of sanctions based on law and order management, the higher the expectation of governance* (Hypothesis 1.1).

Strategic reform in the conditions of living can produce a situation where interests of the players are perceived as effectively accommodated by the rules, such that rule breaking is seen as costly and counterproductive. This can encourage actors to stick to the rules. Hungry peasants will steal; but agricultural workers turned owner-cultivators will protect the crops until they are ripe. *Strategic social and economic reforms enhance governance* (Hypothesis 1.2).

Power sharing by new social elites, and the creation of new political arenas that facilitate this, transform rebels into statesmen (Lijphart 1996; Kohli 2001). Incorporation of new interests into a status quo defended by rules makes K attractive and reduces the value of e. Successful and credible electoral democracy turns poachers into gamekeepers. *Institutional arrangements based on the logic of federalism and consociational forms of power-sharing promote governance* (Hypothesis 1.3).

Methods of social control as an *endogenous* condition of order[35] create a situation where the two rational players share proximity, knowledge of each other, reciprocity and recursiveness – that is, they perceive the game not as an endgame, but as part of an enduring transaction. They can therefore envisage a situation where disobedience of the rule will lead to anarchy in the long run ($e_1 < 0$ and $e_2 < 0$). This leads to self-policing and trust. The combination of federal and consociational arrangements, creating the right balance between self-rule and shared rule, can increase governance in divided societies. *Effective party systems that institutionalise the links between the state and the individual enhance governance* (Hypothesis 1.4).

Elite cohesion at the level of the macro arena, where stakeholders share the culturally embedded values, norms of transaction and attitudes towards authority, is more likely to produce orderly conduct of transactions under its domain. Later in the text, the analytical narratives of Bihar, with its fragmented elite, and West Bengal, where political leaders across parties, civil servants and police officers act in unison, will help illustrate this conjecture. *Elite fragmentation reduces the level of governance* (Hypothesis 1.5).

Ineffective sanctions and unmet welfare are not the only reasons for breaking rules. In every mind, however humble, there is a space that the person considers inviolable, which that person would go to great lengths to defend, even when he or she knows that the likely consequences may be painful. The dignity of loved ones, the gods one holds as sacred, language, religion or regional identity are examples for which people have risked life and limb. When the existing rule and the government upholding it are seen as 'evil' or, symbolically, as a moral affront to what the actor holds as sacred, breaking the rule becomes a valued goal in its own right.[36] If the rule violates deeply held values and beliefs which the actor considers sacred and non-negotiable, then rule infraction becomes a good in itself (i.e. $e_1 \gg K_1$ or $e_2 \gg K_2$). As we see in Chapter 4, Tamil identity in the southern state of Madras was strong enough to 'kill or die for' in the 1950s, but once Tamil identity was constitutionally guaranteed as the basic structure of politics in the region, and the region itself was renamed Tamil Nadu (the home of the Tamil people), the political process became transactional. Governance bounced back. *If the core values and symbols of a society are constitutionally protected, then governance is likely to be higher* (Hypothesis 1.6).

Trust is the only antidote that rules of transaction can have in order for them to be able to be perceived as legitimate by ordinary men and women (Sztompka 1999; Braithwaite and Levi 1998; Seabright 2004). When people trust institutions and those who are responsible for running them, they abide by rules even when the outcome of specific plays of a game might be unpleasant for their short-term welfare. *Trust, which follows from the absence (or removal) of factors that offend, turns victims into survivors and extends a sense of belonging, and thereby enhances governance* (Hypothesis 1.7).

The empirical limitations of the study excluded the geopolitical parameter of governance from analysis. If a neighbouring state exports disaffection downstream through *agents provocateurs*, or armed secessionists, and encourages law breaking by providing sanctuaries, then there is not much that can be done by the government in terms of domestic public policy. Political stability of the states of a region is thus part of the larger issue of regional security, and regional governance anticipates global security as the ultimate exogenous variable.

The liminality of governance and its genealogies

All societies experience a hiatus between perceptions of order by people at the opposite ends of the social distribution of power. The difference of perception can reach extreme proportions in the context of changing societies, where the norms and mechanisms of order are largely alien in origin and inspiration. Pending the detailed discussion of the evolution of state–society linkages in India and the six regions later in the text (Chapters 3 and 4), we shall briefly consider how and when an overlap might occur between the modern state and traditional society with regard to orderly rule and how it might affect governance.

As a conceptual variable, governance has the paradoxical attribute of being visible by its absence rather than its presence. The abrupt decline of governance thus comes virtually unannounced, with little advance warning to its tragic victims. It is therefore important, particularly for the purposes of prediction, to develop conceptual and operational measures of governance from the point of view of social forces whose perceptions necessarily differ from that of the state. Seen through the eyes of the modern state, political order and challenge to legitimacy can be measured in terms of murders, riots and other forms of challenge to the authority of the state. While the state concentrates on the regularity of rule observance as its main instrument for the measurement of governance, social forces and actors are more likely to concentrate on the general perception of law and order, tension, trust, social and economic indicators and the security of identity, belief, faith and worship.

The agents of the state, equipped with the legal norms of order and statistical tools of measurement, conceptualise orderly rule, applicable to the

territory of the state as the standard by which to judge orderliness. Social forces are wont to perceive the state of law and order in terms of its impact on them. Thus, an endangered minority ensconced inside a state with a low statistical average of murder and riots might still perceive governance as low. Essential to the modern state, as I argue in Chapter 3, is the notion that there *is* a right way of doing things that all citizens must share. These *thin* norms can be written up in the form of constitutions, laws and rules made and implemented by the institutions of the state. States expect these rules to be accepted by the society as legally binding and morally right. Seen through the eyes of the citizen, particularly in societies in transition, however, governance is context bound and *thick* in the sense of being specific to the social world of the individual and the group. Governance, conceptualised as the overlap of the thin norms of the state and the thick perceptions of social groups in Figure 1.6, is the interface of societies and institutions.

The duality of governance, its implications for legality and legitimacy, order, and welfare, and the hegemonic and essentially contested character of rules render governance into a problem of general political significance for both state and society. Governance can come to an abrupt end in places as different as Los Angeles, Bosnia or Bihar for reasons that have very little to do with their native culture but a lot to do with their political structures and processes. The complex genealogy of governance explains why its state-dominated understanding, and the panoply of institutions that sustain it, are so often contested by political actors locked in combat against one another, or against the state itself. This dual perspective of governance is best illustrated with a reference to the contrasting views of state from above and below (Tilly 1985). As Chapter three explains, the regime becomes a framework for the bounded rationality of the actors that operate from within it, and future strategies become path dependent on the dimensions of this common understanding.

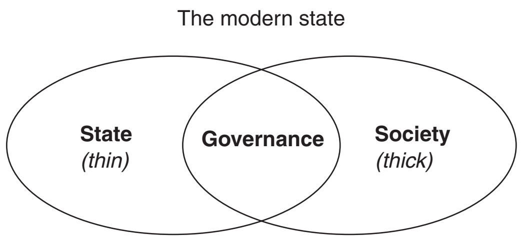

Figure 1.6 The modern state, traditional society and governance: competing and converging perspectives.

Culture, context and the rational actor: bringing politics back in again

Culture and context are important facts of political life. But like all resources, they do not act on their own. In the hands of skilful political actors, they become sources of values, networks and organisational resources. In this section, I briefly delve into the comparative literature in order to tease out useful insights for the analysis of governance in India.

The main comparative advantage of the method adopted here is to follow a self-consciously political approach where political man (or woman) is seen as locked in battle against nature, and others of his kind, acting alone or in groups of his choice, to achieve the goals he (or his group) has set. The rational actor sees himself as an agent of his destiny. This approach to politics in general and orderly governance in particular differs from the cultural (Greenough 1982), Dumont (1970), socio-psychological (Gurr 1970) and institutional-evolutionist (Huntington 1968; Kohli 1990) approaches. But, even while the rational choice–neo-institutional approach differs from the others, it nevertheless draws on their scholarship in important ways.

Since India's problems of government are seen by some as unique (e.g. as Hindu self-regulation), culturally specific or idiosyncratic, it is useful to look into the history of popular discontent and disorder in England during the eighteenth century, which provides a stark contrast with the effective, democratic government that one finds there today. The picture that we get from Sir Ian Gilmour's *Riots, Risings and Revolution: Governance and Violence in Eighteenth-Century England* (1992)[37] would be familiar to students of contemporary Indian politics. Rampaging crowds, criminal activists taking the law into their own hands, corrupt state machinery and ineffectual government on a scale familiar to parts of India were not altogether unknown in England not much more than two centuries ago. The book draws on the English case to refute the cultural, idiosyncratic and essentialist argument that depicts governance as specific to certain cultures, for we know from the aftermath to the scenes described by Gilmour that it is not English culture but British institutions and policies towards other religions that changed.

The English case is interesting but not unique in the history of social dislocation, political conflict and state formation in Western Europe. Tilly (1975a), E.P. Thompson (1991) and Hobsbawm (1959) inform us of food riots and other challenges to public order throughout early modern Europe. The historical hindsight should help us understand the political nature of these riots (as opposed to the view that riots and lawlessness are more likely to appear within specific cultures), which left a historical residue in the form of the legitimacy of popular protest and the combination of redistributive policies and law and order management with which the state sought to cope with them.

Governance and the 'irrational' actor: beyond socio-psychological explanations

Since the model on which the book is based seeks to bring historical and contemporary cases of governance within the rubric of a general model, we need briefly to consider a similar attempt based on the socio-psychological explanations by Ted Robert Gurr in *Why Men Rebel* (1970). Structural and socio-psychological explanations of the decline of governance point in the direction of the angry, alienated and marginal groups who rebel against the institutional fabric with a sense of righteous rage. Their anger is caused by large-scale changes of which they have little or no knowledge but which cause events that have dire consequences for their livelihood, identity and security. The emphasis in these explanations is not so much on the hiatus between the cultural values of the rebels and the values of the institutions they resist, rather on economic redistribution brought about by large-scale social and economic changes.

Central to the analysis of Gurr and the genre inspired by this important book are angry men and women empowered by righteous rage taking on the might of the state and other powerful adversaries. In its typical form, the angry actor whose spontaneous fury is responsible for the breakdown of law and order is motivated by a feeling of relative deprivation. In Gurr's account, relative deprivation arises out of a sense of being deprived of some resource to which one is entitled. The individual alone is the source of value. Accordingly, a sense of relative deprivation may arise out of what the individual perceives as the denial of material resources, as well as of cultural and religious identity. The latter is important for post-colonial societies, whose political institutions often represent values and practices exogenous to the people for whom they are meant.

Authors who concentrate on groups – whether primordial groups such as caste, tribe, community, or modern categories such as class – conceptualise challenges to the authority of the state in terms of shared grievances. Such grievances typically emerge from the perception of rules as discriminatory. The wronged people are galvanised into group formation and political action because of a shared sense of grievance against the state, which either is failing to deliver the resources that its rhetoric has led them to believe they are entitled to, or no longer provides the kind of security to the lifestyle that the social group in question has been used to. Faced with a situation where the group feels that it can rely only on its own resources, the only rational course of action is to challenge the rules as well as it can.

The difficulty with this line of reasoning is that it attributes collective outbursts of anger to factors such as caste, class, tribe, language or ethnicity whose existence is assumed rather than explained. The impulse to rebel is seen as independent of the costs involved. Similarly, the fact that rebels are supposed to act individually but out of solidarity with a

collective goal entails the problem of the free rider. If all the members of a group are to profit in the event of successful collective action, then where is the incentive for individuals to pay the costs of participation?

The 'irrational' actor explanation appears as a credible account of the behaviour of political action which is on the verge of suicide, such as the self-immolation of students protesting against the efforts by the government to augment caste quotas following the report of the Mandal Commission, which enraged upper-caste students by setting aside a substantial number of jobs for candidates from the 'backward classes'. However, the detailed planning that such action usually entails – the gathering of a sympathetic audience and the grim paraphernalia for publicised self-immolation requires considerable organisation – gives the impression of a broader strategy rather than a spontaneous outburst of rage by isolated persons acting out their sense of outrage in a spontaneous manner. In the same vein, though conflicts on caste or class lines mobilise support on the lines of the particular cause, it is rare to find the conflict engaging all the members of a particular social group. Why should any specific individual stick his or her neck out when that individual knows that once the rewards meant for his or her group are there, the individual will be entitled to them regardless? Membership of a particular social group is not sufficient, and probably not even necessary, for individuals to be mobilised into action.

The solution that the model proposed in this study (Figure 1.2) provides has the advantage of making the recovery of order conditional on some specific factors specified in the form of testable hypotheses. Elite strategy to cope with an institutional void has the support of North (1990). Why do institutions work, sometimes? The theoretical insights provided by North (1990) are extremely helpful in analysing the mixed record of South Asia's attempts to achieve orderly rule through institutional change. North describes the process of institutional change as a 'complicated process because the changes at the margin can be a consequence of changes in rules, in informal constraints, and in kinds and effectiveness of enforcement'. This is one of the many reasons why, contrary to the impressions they create, revolutions, enemy conquests or independence do not constitute radical discontinuities in history, for 'institutions typically change incrementally rather than in discontinuous fashion'. This is partly the

> result of the embeddedness of informal constraints in societies. Although formal rules may change overnight as the result of political or judicial decisions, informal constraints embodied in customs, traditions and codes of conduct are much more impervious to deliberate policies. These cultural constraints not only connect the past with the present and future, but provide us with a key to explaining past historical change.
>
> (North 1990: 6)

North identifies two major factors that are responsible for incremental institutional change, namely:

> the lock-in that comes from the symbiotic relationship between institutions and the organisations that have evolved as a consequence of the incentive structure provided by those institutions, and the feedback process by which human beings perceive and react to changes in the opportunity set.
>
> (1990: 7)

The locked-in symbiosis that North refers to suggests a close relationship between 'sacred beliefs' of important groups in society and their main interests. As long as this convergence holds fast, these groups do not question the legitimacy of the rules of the game. Legitimacy of the political system requires that their effect be continuously reflected in appropriate changes in the constitution. But this 'feedback' may not take place, for a variety of reasons. The key decision-making elites may simply fail to perceive the rationale behind demands from below, or may not consider them sufficiently politically advantageous.[38]

Plurality of the usage of *governance*: public policy and orderly rule

Finally, the marriage of neo-institutionalism and comparative politics with the policy and process approach to governance vastly enhances the dynamism of the model. In this sense, public policy initiatives have important implications for our model (particularly for Hypothesis 1.2). Instead of yielding a 'one-size-fits-all' substitute for the modernisation approach, findings from governance as process and policy can contribute insights into the material context of the actor. These policy and process dimensions form part of the questionnaire I have used to elicit the opinions, attitudes and evaluations by elite respondents (see the Appendix).

The policy- and process-based literature on governance is eclectic, vast and disjointed. Its theoretical roots are various, drawing on the disciplines of institutional economics, international relations, organisational studies, development studies, political science, public administration and postmodern theorists. Governance, indicating its spreading reputation, is used in a variety of ways, suggesting a variety of meanings (Rhodes 2001; Stoker 1998). There is, however, a common agreement that governance refers to the development of governing 'styles' in which boundaries between and within public and private sectors become blurred. The focus in this case is on governing mechanisms that do not rest on recourse to authority and sanctions, but draw their legitimacy from popular consent.[39]

Rather than depending exclusively on the structural 'capacity' of the state, public policy approaches to governance follow a more hands-on

approach that recognises the limits of state action. Accordingly, the governance literature is concerned more with the capacity to get things done. It sees government as able to use new tools and techniques to steer and guide. Governing from the communitarian and the policy perspectives is always an interactive process, because no single actor, public or private, has the knowledge and resource capacity to tackle problems unilaterally (Kooiman 1993). It is thus an interactive process that involves various forms of partnership. It is possible to distinguish between principal–agent relations, inter-organisational negotiation and systemic coordination. The principal–agent form rests on one party (the principal) hiring or contracting another (the agent) to undertake a particular task. The inter-organisational form involves organisations in negotiating joint projects in which by blending their capacities they are better able to meet their own organisation's objectives. The systemic coordination form of partnership goes a step further by establishing a level of mutual understanding and embeddedness through which organisations develop a shared vision and a capacity for joint working that lead to the establishment of a self-governing network.

The availability of the rich policy and process literature helps distinguish between governance 'successes' and failures. The concept of governance failure suggests the need to think beyond the retooling of government to a broader concern with the institutions and social and economic fabric that underpin the institutional arrangement. The emphasis on policy and process opens up the possibility that the blurring of responsibilities can facilitate cooperation between different wings of the government and civil society organisations. Governance is connected to the concern about social capital and the social underpinnings necessary to effective economic and political performance (Putnam *et al.* 1993).

Conclusion: a road map

Order, as I argue in this book, is an artificial and a political construct, which strategic actors learn to conceptualise in probabilistic terms. Straddling between order and anarchy, governance is a liminal category whose origin and existence are closely linked to self-interest and embedded values. Even when strangers have great disagreements about their preferred outcome to a conflict, shared rules and the common desire for regularity in everyday life can produce a rule-abiding environment (Seabright 2004). Discourse analysis (Howarth *et al.* 2000; Laclau and Mouffe 1985) draws our attention to social processes and meanings that previous governance research has not considered relevant. The insights one gains from discourse analysis extend the narrow institutional focus of governance to the breadth and depth of culture, symbols and meaning that populate the inner world of the actor, from which all action springs.

I maintain in this book that orderly rule is critically conditional on the

ability of the modern institutions to accommodate embedded values, undertake strategic reform and maintain the difficult balance between force and persuasion in the management of law and order. This is particularly true of post-colonial and post-communist states whose institutions initially lack indigenous roots, both in local society and in collective memory. Of equal importance is the commitment of the state to individual rights as the cornerstone of democracy, rather than the derivation of legitimacy from some predefined ideological, cultural or religious essence. On the basis of the broader comparative public policy, and insights drawn from the new institutionalism literature, this book attempts to give a theoretical solution to the loss and recovery of order, drawing on the case of India.

The arguments and evidence presented in this book are organised in eight chapters. Chapters based on theoretical and comparative approaches (mostly 1, 2, 5 and 6), contain the general arguments and methods, and are interspersed with those delving deeply into regional history and society (primarily 3 and 4, but also partly 7), exploring embedded values and the analytical narratives of the Indian state and the six regions selected for deeper analysis. This first chapter, as the introduction to the volume, concentrates on the main puzzle, concepts and method, focusing on particular on the problematic relationship between democratisation and governance in post-colonial and post-communist societies. This chapter has developed a formal model leading to several hypotheses to account for the rise and fall of governance, building on the assumption that people obey rules if they consider the outcome worth their while. The methodological and empirical implications are discussed in Chapter 2, which specifies the research design. In its attempt to develop a bridge between theory and data, it engages in a search for inter-subjectivity of stakeholders.

I analyse the macro context of the Indian state in Chapter 3, in order both to test the hypothetical links between order and state formation and to lay the institutional basis for the linkage between institutional innovations, strategic reforms, policies and governance in the post-colonial state. Chapter 4 continues the exploration of the context of governance by providing analytical narratives concerning the six regional states. It analyses the path-dependent and bounded rationality of regional elites, and the regional 'lock-in' (North 1990) of institutional arrangement and elite interests as part of the explanation of regional governance. The analytical narratives examine how and to what extent strategic reform, implementation, policing and elite cohesion have enhanced governance. The chapter seeks to capture India's regional diversity in terms of governance through an analysis of the different patterns, such as 'reform from below' and its institutionalisation (West Bengal), 'masked coercion from above' (Maharashtra, Gujarat), 'stalemated conflict' (Bihar), identity established (Tamil Nadu) and identity contested (Punjab).

The three chapters that follow examine the association of governance with the explanatory variables drawn from the model. Chapter 5 examines

the role of policy and implementation (politicians and bureaucrats) as causal factors in the variation of governance. The sixth chapter moves to the efficacy of mediation between the state and the society as an explanation of governance. Chapter 7 analyses the inclusive character of the state as an explanatory variable for India's governance, comparing the successful resolution of identity-based challenges to governance arising out of language and personal law with the failure of a similar outcome with regard to religious identity.

The concluding chapter reconsiders the assertion that links India's resilience to her governance by testing the general model on the survey data. The insights gathered from cross-sectional analysis and elite interviews provide the basis for policy recommendations to elites in changing societies in three core areas: negotiating identity in divided societies; strategies to cope with collective violence; and restoring ruptured links with pre-modern identities through the concept of relative modernity.

The book concludes with three final thoughts. First, a cross-cultural analysis of governance, cutting across the social and political process, and connecting modern institutions and embedded values, the observer and the actor, has to conceptualise governance as necessarily dynamic and interactive, where the theorist and the theorised cannot be strictly separated.[40] Second, endogenous solutions to governance, while important from a theoretical point of view, are of limited explanatory power. Working only on variables at the same level as the actor, one soon realises that an intervention from above is indispensable for sustaining governance. Just as local governance in India requires an involvement of the regional level, and the regional level requires a national framework, national governance anticipates the residual role of exogenous factors, in the form of both security arrangements with India's neighbours and world governance with regard to the terms of trade. In the third place, in all political systems, regardless of their cultural underpinnings or historical provenance, the indispensable search for a common identity needs to be balanced with the singularity and salience of difference.

2 Measuring governance

A design for empirical inquiry

Introduction: bridging theory and data

In contrast with an approach that holds culture to be the key explanation of Indian resilience (Dumont 1970; Kothari 1970), or one for which context plays an equivalent role (Weiner 1968; Wood 1984; Frankel and Rao 1989, 1990), the criteria for hypothesis testing and a sampling frame are crucial to the approach that underpins this book. The rational choice neo-institutional model of governance (Figure 1.5), based on the abstract logic of governance, generates a need for measurements that are precise, representative of the underlying population, empirically valid, and comprehensive, and that bridge the inter-subjectivity of the actor and the observer. It is thus imperative to specify the key components of the model in a form that both the actor and the observer can recognise as their own but one that is still precise enough for hypothesis testing and generalisation. In order to meet these objectives, this chapter specifies indicators for the measurement of the key concepts; identifies the sources of data; develops a research design to generate a database; and sets up the parameters for hypothesis testing using quantitative, qualitative and discourse data.

The specification of key categories of the model and formulation of a research design along with a sampling frame for the Indian context is fraught with several methodological problems. In view of the diversity and the continental dimensions of the underlying population, is it possible to assemble all the empirical details relevant to governance in India within one sample design and still keep it manageable and coherent? Second, the elementary two-person non-cooperative game (Figure 1.2) that underpins the model (Figure 1.5) and its hypotheses is based on the notion of a finite and divisible reality, because actors are expected to choose between alternatives that are distinct and feasible. Can one measure the *fluid* reality that continues to fascinate and frustrate observers of Indian society who bring the *fixed* categories of Western provenance to the analysis of Indian data? I shall respond to some of these questions in what follows, starting with the main issue of how to measure governance, the main dependent variable.

'Seeing like a state':[1] murder and riots as aggregate indicators of governance

Political violence, particularly in the form of violent death (Huntington 1968) and riots (Kohli 1990), is one of the better-known indicators in the literature of political order. One should still pause to ask: why are murder and riots taken as crucial challenges to public order? Behind these indicators are a number of liberal assumptions such as the sanctity of life, a basic abhorrence of violence which makes murder and rioting truly desperate acts challenging the paramount authority of the state, the repository of the monopoly of legitimate violence.[2]

The gap between the state and society becomes clear as one starts the onerous task of applying abstract conjectures to concrete situations. States, as Scott (1998) and Tilly (1985) eloquently assert, measure governance in a manner commensurate with their authority and the interests of their dominant elites. At its limit, governance would imply a condition where all transactions, both public and private, are rule bound. In most contractual situations, however, one party performs first and the other contracting party has to follow suit. So, when one is not sure of the likelihood that the transaction will indeed take place on the lines laid down by the rule, uncertainty and, ultimately, anarchic disorder set in.

Thus, formally, G, the level of governance, is equal to R/T, where R implies all rule-bound transactions, and T is the total number of transactions. The quantitative level of governance in an actual context is thus, by definition, encompassed between 1 (the perfectly orderly society) and 0 (indicating a state of anarchy, indicative of the pathologies of a system coming apart at the seams). Seen through the eyes of lawful authority, *predictability in interpersonal transactions* is the key consideration for the state. A highly governed society is thus one in 'homeostasis', 'a relatively stable state of equilibrium or a tendency toward such a state between the different but interdependent elements or groups of elements of an organism or a group'.[3] The makers and keepers of rules, such as legislators, civil servants, police officers, spies, judges, leaders of opposition parties and, in the Indian context, the ubiquitous 'social activist', are best placed to evaluate the level of governance on the basis of their perception of law and order, drawing on their everyday experience.

Murder and riots are proxy indicators for the uncertainty and insecurity that are typical of an anarchic world. In testimony to popular usages and beliefs, violent death, particularly death from group violence, has long had the status of the key indicator of political order (Huntington 1968; Hibbs 1973; Gupta 1990).[4] However, while violent death remains the most telling indicator of a sense of insecurity, its utility in empirical analysis is problematic. Murder itself is an unambiguous fact, but the motives behind murder, which are what make it an effective measurement of governance,

are rarely clear. The motives are of crucial importance because they hold the clue to the underlying process, and hence the significance of the threat that the act implies for political order. Besides, there are other technical problems as well. The *World Handbook of Social and Political Indicators*, which Huntington draws upon, uses group violence as the main indicator of political order, but leaves unclear what the threshold for group size is. Size itself is of course not a paramount consideration, for the lone killer, working out of political motivations but acting alone, has often made the difference between order and anarchy, and let loose forces that have destabilised whole regions. But if one is willing to overlook the distinction between murders based on family feuds or acts of private gain or passion (as I do in this study), murder can be an important source of evidence on the level of order.

From the point of view of the state, despite these theoretical limitations, violent death is certainly a practical measure of its control over society. This seems to have been the line of thinking of India's colonial rulers. The British, once they settled down to orderly rule in India, gave due recognition to murder, the 'capital' offence, in the Indian Penal Code. Framed in 1847, it is still in operation with minor modifications. Murder is defined in section 300 as culpable homicide if the act by which the death is caused is done with the intention of causing death. The gravity of murder is seen in the seriousness with which the intention to murder is taken. Even if the fatal blow did not actually kill the victim on the spot, if the offender knew that it was 'likely to cause death' the act would still amount to a murder. Because the state alone has the monopoly to legitimate violence, capital offences are direct challenges to the authority of the state. As such, all shades of grey when it comes to murder are defined rigorously. The intention behind the law is to highlight the tremendous significance of the deliberate taking of life as a challenge to the lawful authority of the state and its monopoly over legitimate violence, the symbolic nature of which is not fully indicated by the mere fact of death (Ratanlal and Dhirajlal 1992: 323).

As a proxy measure of the underlying threat to governance, murder certainly deserves its status as a favourite indicator with the keepers of order, but there are other measures as well. Threats to governance can occur through challenges to the authority of the state that are short of violent death. Riots by men and women, brought together by collective rage and a quick chance to plunder, have been seen by the holders of power as the first sign of trouble.[5] Kohli (1990) uses riots (per million of population) as an indicator of the decline of governance. He follows the definition of riot and its operational specification in *Crime in India*, published by the Home Ministry of India. Riots are succinctly defined in section 146 of the Indian Penal Code: 'Whenever force or violence is used by an unlawful assembly, or by any member thereof, in prosecution of the common object of such assembly, every member of such assembly is

guilty of the offence of rioting.' There are four essential conditions for an incident to be recorded by the police as rioting. The accused persons have to be 'five or more in number', united in 'an unlawful assembly', 'animated by a common object', and using 'force or violence in prosecution of the common object' (Ratanlal and Dhirajlal 1992: 161–2).

The growing recognition of riots as a threat to public order by the government is reflected in new categories of acts that have been brought under the purview of riots. Thus, a new section, inserted by Act 31 of 1972, shows the attempts by the government to give more powers to the police and the executive to keep order by nipping in the bud those communally sensitive crimes that have increasingly emerged as a great menace to public order. The new offences are cognisable and non-bailable. Religious offences are a crucial category. Section 153A(1) lays down a number of acts that have the status of 'offences against public tranquillity' even if they do not meet the quantitative requirements of riots.[6] In its determination to crack down on challenges to public order, the state is no longer content to restrict itself to the rigorous definition of an unlawful assembly of five or more in the public space. If an act is considered to be provocative, even if it is committed in the privacy of a place of worship exclusive to only one community, for the purpose of this section such a place is also considered a public place. There are attempts (dating back to the British view of the organic character of Indian society) to have a fine mix of individual and group liability for the keeping of peace, and hence an attempt at institutionalising collective policing. The principle behind this is crucial to the secular character of the Indian state, which suggests that 'every man should be suffered to profess his own religion and that no man should be suffered to insult the religion of another'.[7]

The diagnosis of the threat to public order is the basis of a mechanism to prevent its occurrence. The state requires members of the public and the proprietor, in the event that the threat takes place on land that is privately owned, to inform the authorities of the outbreak of such acts. Owners of private property where such acts take place are required not only to inform the police, but also to 'prevent and to disperse and suppress the assembly'. Figure 2.1 presents a graphic picture of murder and riots, superposed on one another, for the whole of India, for the period relevant to our study.

Text and context: political ambiguities of violent crime

The method of measurement that underpins the Indian Penal Code (IPC) and both the colonial and the successor states is the notion that the disruption of lawful rule can be measured through objective indicators such as riot and murder. It further assumes that there will be perfect harmony of perception between the observer (namely, the state and its agents) and the

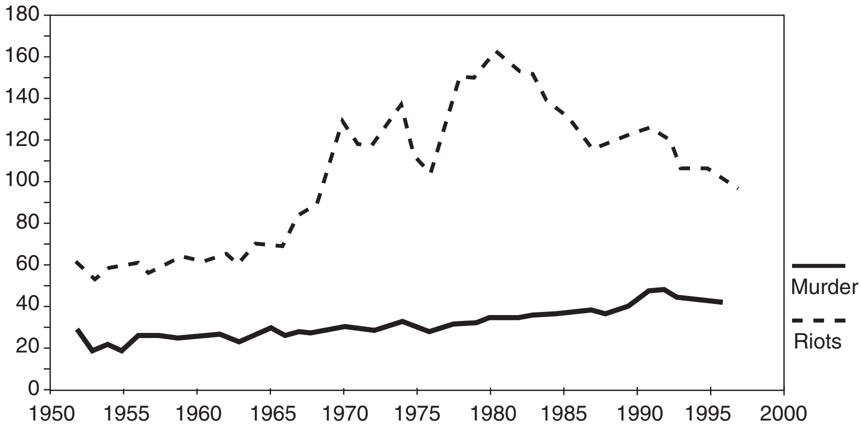

Figure 2.1 Murder and riots in India (per million population) (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

actors themselves with regard to these crucial indicators. When one compares this to the discourse on post-independence incidents of challenges to governance, there is no longer this sense of convergence of categories. Instead, one notices a hiatus between the agents of the state and their adversaries.

The rigour with which violent crimes such as murder, rioting and criminal damage to property are defined indicates the concern of the colonial state and its post-independence successor to protect their power. In his *Discipline and Punish*, Foucault (1991) provides a larger framework for the consideration of violence within what he calls ‘the economy of punishment’. The significance of Foucault’s contribution lies in revealing the political basis of punishment, and linking the fate of the condemned to the dominant interests within the structure of the state. If murder and riot are no longer seen in the categorical terms of good and evil, then the implicit trust that one might have in these ‘objective’ indicators is compromised. One begins to notice these problematic edges of the technique of measurement in Kohli’s *Democracy and Discontent* (1990), until one reaches Brass’s *Theft of an Idol* (1997), which raises far-reaching doubts about the very possibility of objective measurements.

The main thrust of Brass’s argument is that riots or murders do not just happen; they are constructed, defined and, in some cases, egged on by those who stand to gain from their ‘official’ occurrence.

> The police often prefer to define local incidents of violence, whether between members of different ethnic groups or not, simply as crimes and to treat them as such, that is, to localise and confine them. Such localization, however, becomes more difficult when isolated incidents

> of interethnic violence become transformed into something broader, a 'riot' involving large numbers of massed persons from opposing ethnic groups engaged in assaults on persons, lives and property.
>
> (Brass 1997: 4)

In such situations, as Brass shows, the police may themselves take sides. Even when they do not, they are often accused of doing so, particularly by the side that emerges with the greater losses. Belief matters. Some ethnic 'riots' do not even involve two ethnic groups, but often only one community and the police, with the latter perceived or described by spokesmen for the rioting community as responsible for the precipitating incidents leading to the 'riot'.

Brass thus questions the formal, quantifiable character of riots altogether. Riots and rioting thus appear as forms of political struggle (Brass 1997: 5). Brass's general argument here suggests that a riot might be almost wished, or dreamt up, or argued to have occurred by a variety of forces: police, local people, Hindus, Muslims. The narrative accounts from incidents described in what follows, taken from the *Srikrishna Commission Report* (1999), bear some of these allegations against the 'objectivity' of quantitative information. Brass alludes to the instrumental utility of the description of an event as a 'riot' by the stakeholders. Precisely for the same reason, the designation of an event as a riot is contested by others. The sum of these contested meanings is thus the contested character of riot as a key social science concept that characterises research on governance.[8]

Although most people everywhere are capable of committing acts of violence under a variety of circumstances, the kinds of violence that are committed in 'communal riots' are undertaken mostly by 'specialists', according to Brass. They are ready to be called out on such an occasion, they profit from it, and their activities profit others who may or may not be actually paying for the violence carried out. Brass refers to violence of this kind as being the work of 'institutionalised riot systems', in which known actors specialise in the conversion of incidents between members of different communities into 'communal riots'. He characterises riots as rational instruments, which are 'basically structured, purposeful, rational, and politically meaningful' (1997: 11). The social construction of incidents such as riots 'traverse[s] the boundaries of truth and falsehood, lies and myth' (ibid.: 13). Following the assertion of Brass, no inter-subjective consensus is possible without a multiple intersection of competing individual discourse. And yet the presence of riots along the chain of meaning that connects the state and society, consisting of truth tellers, authenticators, discourse and inter-subjective consensus, can vitiate the credibility of the whole (ibid.: 266).[9]

As we see from the following narrative, the descriptive reality of 'crime', 'police', 'legality' and 'governance' is far more complex than

one might think at the outset. The role of the police, as conceptualised in the Indian Penal Code, is not necessarily that of passive spectators whose job is merely to register, and to act only when ordered to do so by lawful authority. The police can, for their own reasons, also initiate, interpret non-riot events as riots, or simply record a riot where none took place.

A narrative from the Mumbai riots, 1992, helps locate actors in context, and explain how they perceive norms and their transgression.

> 10.38 Safiq-ul-Hasan alias Safiq Khan was carrying on business of ready made garments on the premises opposite Madina Masjid, near Tata Power House. On 8th December 1992 his house and business premises, which were in the same building were attacked by a Hindu mob consisting of youngsters in the age range of 18 to 20 years. He identified Ashok Daruwala, Ganesh, Vijay, Balu, Atul, Suresh, Mahendra, Anand, Sunil, Sanjay and Tankya from amongst the miscreants and asserts that they were all Shiv Sainiks from the local Shiv Sena shakha. According to him, the mob of Shiv Sainiks forced him to shout 'Jai Shri Ram' or else go to 'Pakistan or Kabrastan'. They also shouted that his property would be converted into Shiv Sena office. Safiq Khan ran away from there to save his life and subsequently found that his premises was converted into Shiv Sena office with the Shiv Sena flag flying atop and Ashok Daruwala being in charge. He made written complaints to the Deputy Commissioner of Police, Rakesh Maria and to the Commissioner of Police. Both the complaints are acknowledged by the respective offices. He also received a reply from Dharavi Police station dated 12th March 1993 asking him to visit the police station and meet Police Sub-Inspector Vasant Sonawane between 0830 to 1200 hours or between 1700 to 2100 hours on any working day in connection with the complaint made against Ashok Daruwala and others.
>
> The witness asserts that though he attended the police station on several occasions, nobody took interest in the matter and the local hoodlums continued to occupy his premises till he personally complained to Deputy Commissioner of Police, Pande, sometime in the month of Ramzan. Immediately, Deputy Commissioner of Police Pande raided the illegal activity carried out by Ashok Daruwala and got his premises vacated and possession of the premises was handed over to Safiq Khan. Apart from the story of the witness meeting Deputy Commissioner of Police Pande did not have any supporting documentary evidence. It is obvious to the Commission that the police at the lower lever were under the strong influence of Shiv Sena hoodlums and there was at least one straight forward officer who promptly responded to the complaint and took quick and decisive action.
>
> (Srikrishna Commission 1993: 102–3)

The distinction between transgressor and defender, aggressor and victim, appears to change, quite fortuitously in the case reported here, with the change of narrator and the level of discourse. The reporting on an incident varies, Rashoman-like, with the interlocutor. The narrators do not question the validity of quantification as such; but their basic disagreement on facts emphasises the difficulty of making an unbiased quantitative analysis in the case of politically sensitive crime.

This problem of cognition that we have seen in the examples cited from Brass (1997) alerts us once again to the application of quantitative methods to the analysis of governance. Since social analysis is critically conditional on a minimum agreement on the basic facts of a case, we now explore the theoretical possibility of convergence of categories of measurement by analysing what stakeholders understand by the concept of governance.[10]

A 'twitch and a wink': the *shared* meaning of an event

The questioning by Brass of excessive claims of objectivity behind the quantitative measurement of deeply political categories such as riots has an important significance for our purposes. It is a powerful reminder of the basic idea that governance is possible if and only if there is inter-subjective consensus on rules of transaction. In the specific context of the state, orderly rule follows if and only if there is inter-subjective consensus on norms of social and political control. In the next section, I discuss the political basis of a convergence of actors' and observers' categories, and, following from it, the complementarities of quantitative and qualitative measures.

Inter-subjectivity requires trust. Whereas the advocates of social capital (Putnam *et al.* 1993) assume its existence, with Brass's objections in the background the existence of inter-subjective consensus on the rules of transaction needs to be logically and empirically established. Which social processes produce trust? What might lead two rational actors to trust the rules of transaction? Why and how might ordinary people invent rules that they consider to be good for them?

The methodological implications of contrasting perceptions of reality are taken up by King *et al.* (1994). They assert that just as the twitching of an eye, a biological malfunctioning, might be construed by an observer as a wink, the same event might have different meanings.[11] Abstract theory needs to be grounded in the local context (Geertz 1983); the thin consensus on the inter-subjectivity of norms needs to be anchored in the thick understanding of their shared meanings.

Perception of law and order as a qualitative measure of governance: citizens and leaders

Just as murder and riot are standard indicators of the dearth of orderly rule from the point of view of the state, so are perceptions of law and order by ordinary citizens and elite decision makers, in that order, the society's main instruments for registering the level of governance. The possible hiatus between quantitative, aggregate data and perception opens up the issue of the cognitive content, legitimacy and long-term sustainability of governance. My first objective in this section is to understand what decision makers based in the local and regional context understand by the concept of governance. For this purpose, I have made use of semi-structured interviews which always began with two leading questions (see the Appendix). The intention in this case is to tap into the underlying dimensions of governance that structure the perception of those at the battle front of governance in the localities and regions of India.

> *Question 1.* We hear a lot of talk about governance these days. Some people say that there is low governance, like there is *arajakata* in parts of the country, or, there is no *sarkar*. Different people mean different things by it. What comes to your mind when you think about a state of low governance?
>
> *Question 2.* And what comes to your mind when you think of high governance?

Both questions were open-ended and respondents were encouraged to name three items in each case, listing them in order of importance. The repetition of the question caused surprise in some cases and the respondent simply said 'reverse of the above'. Others answered each question as it came. My objective here was to see whether there is the recognition of a distinct phenomenon called governance in the discursive world of the regional elite. If there is, then of course by measuring it in terms of its two extreme values of low and high, one can come up with some distinctive aggregate items.

The questions successfully tapped into the inner world of the actors, as a wealth of concepts, ideas and perception were named by our interlocutors. The regrouping of the elements gleaned out of the open-ended questions yields five distinct categories, described in terms of the items grouped together under the sub-categories of low and high governance in Table 2.1.[12] The results presented in Table 2.1 show that the phenomenon of governance has socially recognised dimensions. The highly significant chi square measures the tendency of the categories in the two columns to 'hang together' – that is, the tendency of those who saw 'crime' as indicative of low governance also to mention 'less crime' as a sign of high

Table 2.1 Thematic contents of low and high governance as perceived by regional elites ($N = 150$)

Low governance	*High governance*
1 *Crime* (39%): 'incidents of crime' and 'increase in crime', the 'lack of security', 'sense of fear', 'poor law and order situation', 'poor law enforcement' and 'anarchy'	Less crime (31%)
2 *The lack of effective policy, implementation and infrastructure* (25%): 'government does not care about the people', 'ineffective policies', 'poor delivery of government services', 'dysfunction of the Public Distribution System (PDS)', 'unemployment', 'low social development, education, health infrastructure', 'economic stagnation', 'lack of development', 'poor administration', 'basic needs not met', 'non-implementation of development programmes', 'mismanagement', 'failure of government to treat all citizens as equal', 'when matters are run by incompetent people' and 'lack of reform'	Effective policy, implementation infrastructure (35%)
3 *The lack of trust, transparency and supportive political culture* (25%): 'decline in discipline and work culture', 'lack of trust in government', 'lack of democracy and individual freedom', 'political interference', 'government is not accountable and transparent', 'lack of moral values and civic sense', 'poor leadership', 'lack of public participation', 'lack of political will and vision', 'lack of coordination and understanding between representatives and public', 'there is no responsible opposition', 'no rule-abiding by government agencies', 'political parties making false promises'	High trust, transparency and supportive political culture (26%)
4 *Structural blame* (7%): 'communal problems', 'economic inequality and social injustice', 'ineffective decentralisation', 'political instability', 'weak institutional structures', 'lack of decentralisation', 'lack of equal relationship between men and women', 'failure of the constitutional machinery'	Legitimacy (7%)
5 *Corruption* (4%): 'prevalence of corruption', 'lack of measures against corruption'	Less corruption (1%)

Source: Elite interviews, 1998–9.

Note
The chi-square relationship between categories used to describe low governance and high governance is significant at the 0.001 level.

governance. In each case, the broad categories resemble one another (though the percentages in each case are relatively different). The second observation one could make on the basis of these data is that crime does indeed emerge as the main indicator, but closely followed by the implementation of economic and social policies. Political culture, sense of dissatisfaction with the political system and corruption are the other issues of importance that emerge from the content analysis of the items arising

from the first questions with regard to the cognitive content of the perception of governance.

While the responses to the open-ended questions show the empirical meanings that elite decision makers attribute to governance, the answers by themselves do not generate indicators of measurement. The following question was asked in order to explore the extent of convergence of the normative (observers') and positive (actors') categories of governance.

> *Question 3.* We have been thinking about symptoms of low governance like large number of murders, riots, strikes and lockouts, non-payment of taxes, corruption and electoral fraud. We would like to know your views on them. Would you please look at the card and fill in the table indicating for each category how important it is as a symptom of *low governance* in your opinion?

At issue are not so much the contents of what goes by the name of governance as the pattern in which these items constitute themselves, and the order of salience in which they present themselves. To determine the salience that actors attribute to the quantitative indicators of governance, the respondents were asked to indicate the importance they attach to it. The results (Table 2.2) produced a surprise. Contrary to expectation, murder is not the indicator most frequently mentioned as being extremely important. The one that was is 'corruption', mentioned by 70 per cent of regional elites as being 'extremely important', in contrast with murders, which only 43 per cent put in the same category of salience.

The pattern of relationship of the specific quantitative indicators normally associated with governance reflects the pattern associated with these indicators by members of society, but most particularly by those with a stake in public order. At this stage, my objective is to deduce the pattern of relationship of the various quantitative indicators of governance on the basis of the perception of the regional elites whom I interviewed in the six states. My method has been to measure the salience that they

Table 2.2 Qualitative evaluation of quantitative indicators (as percentages, $N = 150$)

Indicators of governance	*Extremely important*	*Very important*	*Somewhat important*	*Marginally important*	*Not at all important*
Large number of murders	44	30	13	9	4
Large number of riots	56	29	12	2	1
Illegal strikes/lockouts	21	25	37	14	3
Rampant tax dodging	34	41	18	6	1
Widespread corruption	70	19	8	3	0
Electoral fraud	63	20	12	5	0

Source: Elite interviews, 1998–9.

attribute to the indicators on the basis of a five-point scale that seeks to tap the level of salience between 'extremely important' and 'not important at all'. On the assumption that actors have specific ways of arranging these indicators in their mind, one to which we have some access in terms of the co-variation of the salience of different indicators for the specific actor – the inter-relation of the salience that actors attribute to the various indicators – helps us assemble a picture. The multiple correlations of the six indicators contain evidence of strong and significant relationships as well as those that are weak and non-significant. The pattern we get from this (Figure 2.2) is one where state-leaning indicators involving various degrees of violence like murder, riot and strikes form one cluster and society-based variables that are criminal but not necessarily violent, such as tax dodging, corruption and electoral fraud, constitute another cluster. But the two clusters are linked through the correlation of strikes and tax dodging, which belong, respectively, to the 'state' and 'society' clusters of indicators.

The existence of two distinct and related dimensions, comprising 57 per cent of the explained variance between them, can be seen from Table 2.3. The dimensions refer, respectively, to the range of activities like tax dodging, corruption and electoral fraud where the society plays the key role, whereas in areas such as murder, riots and strikes and lockouts, the police and agencies of law and order have a crucial role to play.

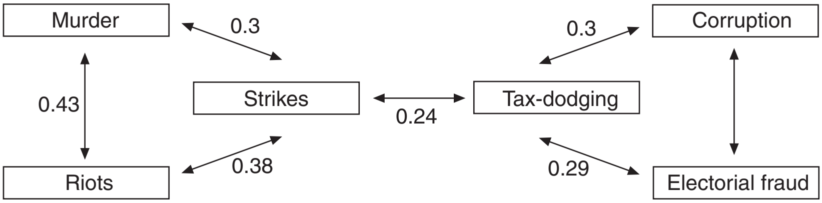

Figure 2.2 Correlations with low governance: patterns of linkage (source: Elite interviews, 1998–9).

Table 2.3 Dimensions of governance

Indicators of low governance	*dimension 1 (33%), 'intra-social crime'*	*dimension 2 (24%), 'crimes against public order'*
Large number of murders	−0.138	**0.772**
Large number of riots	0.121	**0.778**
Illegal strikes and lockouts	0.201	**0.680**
Rampant tax dodging	**0.675**	0.173
Widespread corruption	**0.754**	Not significant
Electoral fraud	**0.772**	Not significant

Source: Elite interviews, 1998–9.

These findings confirm three assertions crucial to this book. First, quantitative measurements of governance have a social resonance, signifying the existence of inter-subjectivity. This, of course, is a variable whose level varies in time and space. Second, qualitative evaluation of quantitative indicators reveals patterns of relationships among the indicators themselves, including, in particular, specific items that cluster together. Third, some of the elements of governance relate to violent crime, seen as threats to public order; others are seen as less of a threat to order but as having criminal implications for society.

The factor analysis (Table 2.3) of the multiple correlations (Figure 2.2) of items from the semi-structured interviews, meant to elicit the salience that elites attach to them (reported in the form of multiple correlations), reveals two distinctive but linked dimensions. The first refers to murders, riots and industrial disputes. The second dimension signifies crimes relating to economic and political transactions such as tax dodging, corruption and electoral fraud. These findings point towards the conclusion that the actors' perception of governance is rich and diverse but not so disjointed as to be without internal linkages.

While a specific individual might have a perception of reality that is radically at variance with that of another, we notice that in inter-personal comparison, be it with regard to the empirical meanings of governance or the inter-relation of these meanings, the area of uncertainty becomes reduced.[13] Elite perceptions with regard to the meaning of governance converge to a few manageable categories. Some of these resemble the way states conceptualise orderly rule. In some other ways, their thinking is closer to social perceptions of norm transgression. Moreover, the two clusters, while distinct, are also linked. The linkage, I argue in Chapters 5 and 6, has implications for appropriate social policies that can increase the level of governance, and in Chapter 8, they will form the basis of hypothesis testing with regard to the population as a whole. Finally, this linkage of the political and social indicators is useful for the creation of a combined index, aggregating murders and riots, which in Chapter 4 I use as the basis of a chronology of governance in the regions for the analytical narratives in that chapter.

At the level of the ordinary citizens of the country, I argue that the level of governance takes into account all the five categories described in Table 2.1. For people at large, then, the key question with which I measure their perception of governance in 'their' regional state is: *Thinking of the last ten years, would you say that the law and order situation in your area has improved, deteriorated, or remained the same?* The results, presented in Table 2.4, provide an insight into the perception of the state of law and order.[14]

Design of the inquiry

The main comparative issue that underpins our study is why a common constitution, national political institutions and common colonial heritage

Table 2.4 Cross-section of the perception of the state of law and order in the sample regions (percentages)

State	*Improved*	*Remained the same*	*Deteriorated*	*Don't know/ can't say*
Bihar	16.4	32.7	22.0	28.9
Gujarat	24.4	61.9	4.6	9.1
Maharashtra	23.0	64.7	9.3	3.0
Punjab	56.4	42.6	0.5	0.5
Tamil Nadu	13.0	70.9	15.2	0.9
West Bengal	24.2	51.2	19.8	4.8
Total	24.6	51.5	12.5	11.4

Source: National Election Study, 1996.

coexist, nevertheless, with such wide diversities in levels of governance. The key questions that an ideal design needs to answer are, first of all, how to measure the key variables named in the model, specify the units of observation and, finally, locate the optimal methods of data collection. The main methodological guides here are King *et al.* (1994), Casey and Lury (1987) and Srinivas *et al.* (1979). An important problem one encounters here is how to test hypotheses that, by the nature of their construction, have to verify the effect of the combination of clusters of variables, but are nevertheless tested on data drawn from one national state. The solution is to follow the research strategy adopted for Weiner's study of child labour (Weiner 1991) and Kohli's study of poverty (Kohli 1987) by selecting several sites within the national state which constitute the units of observation of a comparative analysis.

The sampling strategy finds support in the logic of the 'most similar systems' in Przeworski and Teune (1970: 32–4). Their argument can be presented in the following manner. Suppose the tendency of ordinary people to conduct their transactions in a rule-oriented manner (as defined in Chapter 1) is a function of *T* variables, where variables 1–*K* are concerned with the constitution, the criminal laws, the structure of administration, laws of property and the legal rights and duties of regional states; *L*–*P* are variables that are related to security, welfare and the symbolic recognition of core values in the public space; and *Q*–*T* are factors not included in the given study. With this specification of variables, one can term 1–*K* the control variables applicable to all the regions of India; *L*–*P* are the experimental variables, for which regions present great internal variance; and *Q*–*T* are either unknown variables (whose absence from the model creates the danger of under-specification), or those (such as geopolitical causes of disorder) that are exogenous to the model: they do not affect hypothesis testing as such, but lower the explanatory power of the model as a whole.

The utility of the regional state as a sampling unit is referred to in Chapter 1. The regional states of India have both control over law and

order and the obligation to maintain a political environment where lawful government is possible, short of which the President of India has the authority to dismiss them and bring the state government directly under central rule. States are entitled to summon help from the centre in terms of the use of central police, who are better armed, or the army, but the initiative rests with the states except when the President is advised by the governor of the state that lawful government is not possible. If the President, acting under the advice of the Prime Minister, accepts this advice, then the centre assumes responsibility for the administration of the state by declaring President's rule. In addition to policing, the other governance-generating factors also fall largely under the remit of the states. State governments are responsible for policies regarding language, religion, health and welfare, agriculture and light industry, and the free and fair conduct of elections.

The 'one nation, many units' sampling frame has a major advantage over comparing nations. Unlike when national states are being compared, many factors which play a role in making governance possible, such as the uniform application of the laws of property, fundamental rights, the Election Commission and the Supreme Court, can be held constant. These control variables thus make it easier to analyse the impact of the experimental variables that form the core of the study. As such, the book argues, along with Kohli (1987), that India's federal states provide an ideal environment for the purpose of a comparative analysis, provided that the units are autonomous and homogeneous for the purpose of the study, and that the cases are selected in a manner that minimises bias.

The principle of random selection is inappropriate in view of the relatively small number of states (twenty-five at the time the research began); the principle of purposive selection, recommended by King *et al.* (1994) for such situations, is the better alternative. Six regional cases, namely Punjab, Bihar, West Bengal, Tamil Nadu, Gujarat and Maharashtra, were selected for detailed investigation. The first criterion of case selection was to ensure the inclusion of regional contexts where the dependent variable can be observed at all possible values. Kohli achieved this by selecting three cases where poverty alleviation policies had achieved the maximum or the minimum success as well as one that fell into the middle category. I have aimed at including states such as Punjab and Bihar that have registered low governance and those like West Bengal and Maharashtra that have high levels of orderly rule. In the middle category are Gujarat and Tamil Nadu. However, unlike in the case of Kohli's work, the six states can also be seen in terms of matching pairs or groups in a variety of ways. Thus, Maharashtra, Gujarat and Punjab are relatively affluent compared to Bihar, West Bengal and Tamil Nadu. In terms of the strength of the participatory tradition, Bihar and West Bengal represent opposite polarities. If West Bengal and Bihar represent political mobilisation from below, then Gujarat and Maharashtra stand for 'reform from above'; but whereas

Table 2.5 Sample regions and their key indicators

Indicators	*Punjab*	*Bihar*	*West Bengal*	*Tamil Nadu*	*Gujarat*	*Maharashtra*	*India*
Population (1997, million)	22.4	96.3	76.2	60.3	45.6	88.6	944.1
Literacy (1991, %)	57.1	38.5	57.7	63.7	61.0	63.1	52.2
Turnout in assembly elections (%)	68.7	62.6	83.0	67.0	59.3	61.0	62.0
	(1997)	(2000)	(1996)	(1996)	(1998)	(1999)	(1998)
Trade unions per million (1992)	90	22	133	96	40	74	65
Policemen per million (1996)	3,103	847	1,058	1,252	1,444	1,538	1,338
Riots per million (1997)	0.5	124.6	66.8	123.1	52.9	77.5	97.3
Murder per million (1997)	33.7	55.6	23.4	32.9	31.1	31.9	39.8
Industrial disputes per million (1995)	0.97	0.26	0.78	2.35	2.74	1.31	1.17

Source: Census of India, Statistical Abstracts, *Crime in India* (Home Ministry).

Note
Riots and murder are measured per million of population.

West Bengal exemplifies institutionalised class–party linkage and a form of polarised class–party linkage, Bihar has what can be best explained as stalemated class conflict. Finally, on the issue of identity, in Tamil Nadu and Punjab we have two cases that represent two polarities, of identity established and identity contested. Finally, the six states are located in the four corners of India, a conventional consideration with regard to case selection in comparative studies of Indian states.[15]

Now that the six regional sites have been established, the design focuses attention on the collection of attitudinal data from the mass public in those states, as well as attitudinal and discursive data from their administrative, security and political elites. The attitudinal data on the cross-section of the population in the six states with regard to the perception of law and order (the main dependent variable), trust, perception of welfare, and proxy variables for social and religious identity are all available from a sample survey of the Indian population. In order to study the perceptions, attitudes and interactions of the regional elites, I have drawn a quota sample of the regional elites, and developed a long, semi-structured questionnaire to undertake interviews with these elites (see the Appendix).

Specifying parameters of the research design

The study aims at both testing general theory and arriving at generalisations pertaining to India as a whole, a complex society with multiple religions, regional identities and wide differences of social class. The design aims at incorporating the underlying diversity in its sampling strategy through a sample of her regional states, a quota sample of decision makers pertinent to regional governance from each selected state, and a representative cross-section of the adult population, for an attitude survey. The database brings together information gleaned from statistical sources with regard to crime, the infrastructure and welfare, attitudinal data derived from a national sample survey of opinions and attitudes, and detailed semi-structured interviews with regional elites (see the Appendix). These quantitative and qualitative indicators are supplemented with the discourse of stakeholders in governance, collected from archival sources, personal accounts and open-ended questions from the interviews. The units of measurement follow the levels of analysis. The regional state is the main unit of sampling for murder and riots and the aggregate data relating to the infrastructure, and the analytical narratives of governance in the region (Chapter 4) provide a window to the context of analysis. Regional elites are the source of data for elite strategies, norms and perceptions. Individual respondents from the cross-sectional analysis are the sources of data on perception of law and order, the main qualitative variable with which I measure people's perception of governance in India.

Once considered the bane of Indian unity (Harrison 1965), the region has increasingly been recognised as the mainstay of India's democracy and

the crucial building block of the Indian nation (Mitra and Singh 1999). A host of other important predecessors, analysing Indian politics in terms of puzzles crucial to her unity, stability and development (Weiner 1968; Wood 1984; Frankel and Rao 1989, 1990; Kohli 1990) have selected the region as their main sampling unit. Accordingly, six regional states, based on criteria elaborated later in the chapter, have been chosen for this study in a manner that maximises the variance of the key variables (Table 2.5).

The selection of the region as the first level of sampling in our multi-stage sample helps induct the diversity of regional governance into the empirical domain of the model. As is stated in Chapter 1, the strategic reasoning that the actors engage in assumes no more than intra-subjective rationality. Individuals, engaged in the 'rules game' (Figure 1.2), make the best decisions they can on the basis of information available to them. But how do individuals arrive at their attitudes and perceptions? Actors do not exist in a vacuum; the social, moral and political contexts that frame their inner world are crucially influential in their perceptions. Context matters. The regional context in India defines the domain of the actor's strategic perception and reasoning. Knowledge of the context primes the observer with clues with which to penetrate the dense and intimate worlds of caste, kin, community, faction and party, all of which are structured on regional lines. As I explain in the analytical narratives of the six regions in Chapter 4, the knowledge of the region is crucially important for the analyst to understand the tactical choices of the actor. Adding up the regional contexts thus helps constitute an empirical base that approximates the macrocosm of governance in India.

The selection of the six states for detailed and comparative analysis is done according to the 'most similar systems' approach of Przeworski and Teune (1970). The selected units are similar with regard to the 'control variables' (the federal division of powers under the seventh schedule of the Indian Constitution) but differ in respect of the experimental variables (the policies of the regional state with regard to security, welfare, identity and the political atmosphere of trust and elite cohesion). This difference in the experimental variables maximises the variation with regard to the testing of the hypotheses. However, in view of the likely loss of information in large-scale interpersonal comparison along a number of variables for which, as I discuss later in the chapter, measurements are imprecise and potentially incomplete, one needs to admit at the outset that rather than aspiring to a perfect design, the best one can perhaps achieve is an *optimal* design, appropriate to the empirical context of research. A reliable and efficient measurement of governance, the dependent variable of this analysis, is a second challenging factor for the design. A hiatus between the state and society in the very understanding of governance is often at the root of the problem of disorder. The likely contradiction between quantitative measurement and qualitative perception of governance becomes significant in this context. Since the meanings attributed to gover-

nance tend to vary as actors shuttle between the state and society, the research design needs to explore the likelihood of convergence in the meanings attributed to governance by the state and society. The next section explores these complexities in the operational specification of the dependent variable.

Regional distribution of quantitative indicators of governance

Tables 2.6 and 2.7 show the incidence of murder and riots respectively for the six states selected for the study. A cartographical representation of the aggregate statistics for murders and riots in the six states (Tables 2.6 and 2.7) yields the information presented in Figure 2.3. Combining the two indicators, giving them equal weight and averaging over the years of study, one can rank-order the six states in terms of the average combined score for murders and riots as follows: Bihar (103.1), West Bengal (92.3), Tamil Nadu (75.8), Maharashtra (45.1), Gujarat (38.4) and Punjab (26.1).

Table 2.6 Decennial averages of murder (per million population) in six Indian states

	Bihar	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
1960s	20.8	32.7	27.3	31.3	20.7	14.2	25.7
1970s	29.0	27.7	27.2	41.6	20.5	20.6	29.4
1980s	41.2	29.2	31.0	54.0	27.8	23.8	35.1
1990s[a]	54.4	33.9	35.5	68.0	30.4	24.7	42.9
Average	36.3	30.8	30.2	48.7	24.8	20.8	33.3

Source: *Crime in India* (Ministry of Home Affairs, Delhi. Various years).

Note
a 1990–8.

Table 2.7 Decennial averages of riots (per million population) in six Indian states

	Bihar	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
1960s	104.2	23.8	27.0	5.6	63.5	148.7	73.7
1970s	206.4	41.1	48.7	2.5	113.3	244.8	126.9
1980s	214.3	58.7	98.8	5.1	192.4	172.2	137.6
1990s[a]	153.9	60.8	65.3	0.8	138.1	89.8	110.6
Average	169.7	46.1	59.9	3.5	126.8	163.8	112.7

Source: *Crime in India* (Ministry of Home Affairs, Delhi. Various years).

Note
a 1990–8.

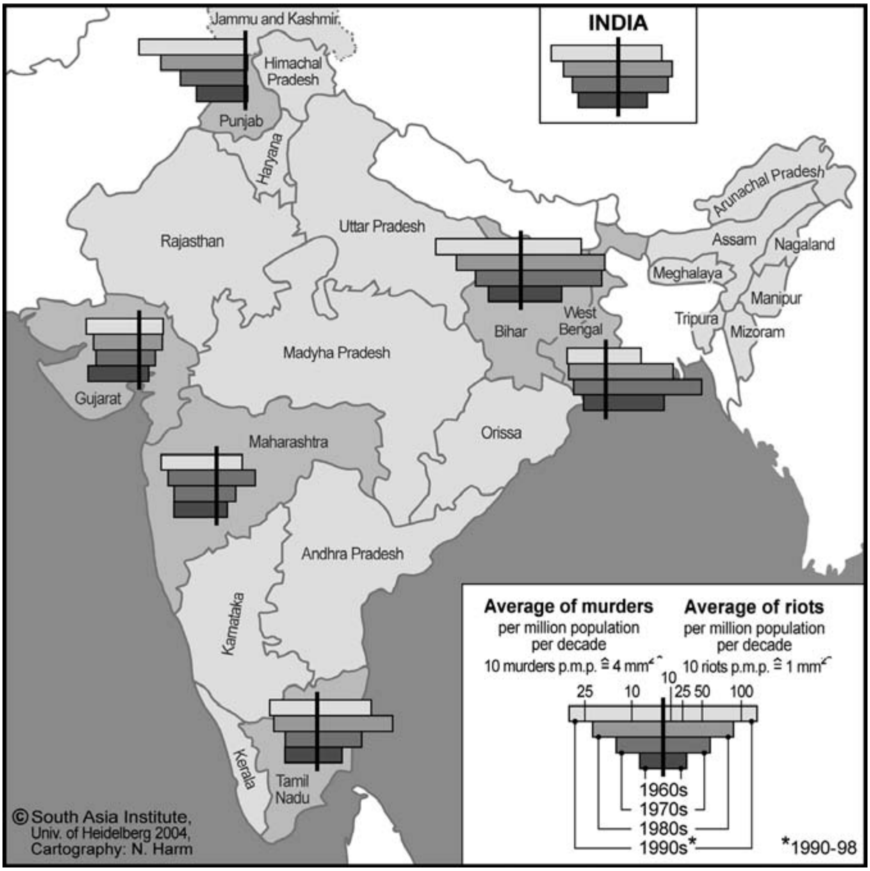

Figure 2.3 Mapping governance: murder and riots in six Indian states.

One country, many cases: some advantages of intra-state comparison

A change of focus from underdevelopment to governance helps bring India's political experience with rules, institutions, procedures and political processes to cross-cultural analysis. That India has managed to sustain democratic governance over five decades in the face of predictions to the contrary suggests the existence of political resources and their efficient use that hold a potential lesson for others. India, with her long administrative and political tradition, federalism which closely follows her natural inner divisions, and an open culture of discourse lends herself admirably to this task. Both as a large, complex political unit with a long, accessible base of data on governance, as well as a virtual laboratory of experiments with institutional arrangements, India's regional states provide an excellent

basis of comparison. Not only does one not have to control for such important factors as the legal system, the institutional basis or the electoral laws governing the functioning of the party system, as one might have to in a cross-national comparison, but one can isolate hypothetical combinations of attributes and compare them across the political arenas.

The abstract model has its origin in my previous work on the use of a game-theoretical model to study the problem of cabinet instability in parliamentary systems (Mitra 1978, 1980), the process of political participation by lower castes and tribals who are being marginalised by the process of economic development (Mitra 1980), the attempts by political actors to combine institutional participation and rational protest to attain their political objectives,[16] and, more recently, legitimacy and conflict in South Asia (Mitra and Rothermund 1997). Statistical and survey data as they have been used in this study help locate arguments at given points of time. In order to instil the dynamic, interactive and diachronic aspects of the politics of governance into the study, use is made of the method of analytical narratives, as described in Chapter 4.

As a method, the main strength of analytical narratives (Bates *et al.* 1998) consists in the access they provide to the hidden world of politics because of their reliance on thick descriptions of particular cases while at the same time making the cases accessible to one another through a set of core questions common to them all. The analytical narratives of the six regions (Chapter 4) complement the qualitative perceptions of governance by elites and by a cross-section of the electorate in the six regional states. The method give us access to the everyday world of the actor, which is framed by the great and small incidents of politics, political institutions and social movements, and, over and above it all, the media and the community intelligence network.

Finally, though no amount of statistical reasoning can fully capture the horrors of inter-community violence or the crippling effect of corruption and criminal gangs on law and order in everyday life, in a skeletal form, statistical indicators such as murder and riots, spread over the six states during the period following India's independence, give an idea of the variation in regional governance across time and space. The comparison of these perceptions with the quantitative measure of levels of governance based on the number of riots and murders per million inhabitants (with equal weight attached to both; Figure 2.4) provides an interesting study in contrast.

Conclusion: governance as an interaction of locally *embedded* values and the political context

Over three decades before the current fascination with governance which has made it a key category of research and public policy, W.H. Morris-Jones, in his magisterial *Government and Politics of India*, had described India's political system as a 'mediating framework for a dialogue between

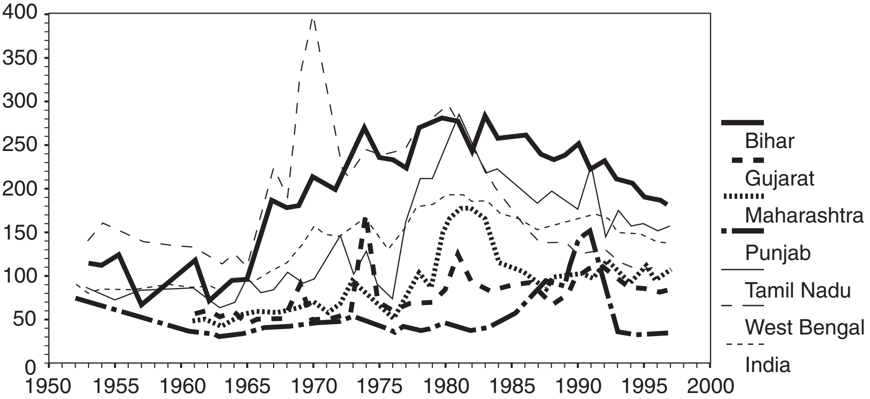

Figure 2.4 Combined index: murder and riots: interpolated time series data on governance for six states and for India as a whole (number of riots and murders per million population) (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

the two inherited traditions of governance and movement' ([1964] 1987: 126). The greater visibility that the issue has acquired over the past decade has not, however, led to greater clarity. The empirical meanings of governance, a deceptive concept *par excellence*, tend to vary radically as one peruses popular discourse on governance and contrasts it with the discourse of national governments and international organisations.

The rich diversity of empirical meanings of governance is a source of hazard for a sustained theoretical analysis of the concept, for each strand has its own scientific lineage, and a professional community to defend it from the challenge posed by competing paradigms. The research design that underpins this study, with its strong commitment to empirical measurement, might invite the charge of being out of step with the *Zeitgeist*, which is very sceptical of quantitative methods. Indeed, the validity of many of the points made by the qualitative objections to the more excessive claims of rigour and precision (Brass 1997) is difficult to deny. In contemporary social science, where methodological plurality is the norm, one is led to the inescapable conclusion that the strategy of the empirical design for an study of governance should combine 'many styles of research and one logic of inference' (Verba *et al.* 1995).

The explanatory device germane to the design of this study is based on the political structure and process of policy making and implementation as well as the core values of the actor. The interaction of these institutions, processes and identities prepares the text to move into the neo-institutional mode that combines both institutional policies and actors' perceptions. That mode can also take the shape of a unified logic of quantitative–qualitative–discursive methods.

It will be obvious by now that measuring 'governance' is far more complicated in terms of its empirical specification than one might gather from the ease and alacrity with which all manner of politicians, experts and rebels use the term. Its definitions, as we have already noticed in the first chapter, vary radically – raising the question as to whether a cross-culturally valid theory of governance is possible at all. The approach taken by this book to the problem of definitional fuzziness is to locate governance by key elites and ordinary people in their own context. To carry out research on governance is to begin at the confluence of the perceptual and the positive, and look for context-specific definitions that are valid at the level of the political system but, at the same time, have deep roots in society and in the perception of the individual. Classic studies in political theory structure their vision of the ideal state along the lines of institutions, methods and codes of good conduct that promote governance.[17] This hiatus between the state and society, and their complementary roles in the definition and implementation of governance, is often overlooked.

In order to go from indicators of governance to the meanings that social actors attribute to it, the chapter has considered governance in terms of aggregate, quantitative indicators such as the number of murders and riots, as well as seeking to see it in qualitative terms by unpacking elite discourse gleaned from semi-structured interviews. However, rather than simply leaving the qualitative interpretations as a limiting factor for the quantitative, I have gone further and looked for patterns embedded in the qualitative meanings attributed to governance. The result is the emergence of an interesting clustering of the quantitative indicators: decision makers at the regional level perceive governance primarily in terms of factors over which the state has control, and factors for which the levers lie within the grasp of social actors.

The analytical strategy adopted in this chapter has thus been to start with the idea of 'objective' indicators of governance, and then to move to the main terms of the discourse on governance as defined by the actors. The correlation between the observer's categories, presented to the actors in the form of assisted scores and their evaluation of these in terms of their subjective categories, becomes a measure of the convergence of the two. Thus, the research design seeks to achieve a unified logic of governance that draws on both the quantitative and the qualitative arguments, a logic that is then applied consistently for the rest of the volume.

The identification of the qualitative aspect of governance is a source of great enrichment; but in terms of data requirements, it is also an invitation to much greater complexity. Moving from qualitative indicators of governance and their quantitative correlates to what elites actually do in terms of policy requires a deeper engagement with reality. The book seeks to solve this problem by moving towards the historical context of governance in India in Chapter 3 which follows. Chapter 4 then examines regional variations of context in terms of six analytical narratives.

The analysis undertaken in this chapter reveals governance, in its deceptive simplicity, to be a concept that straddles the realist-rational (governance as *order*), the liberal (governance as *process*) and the normative (*good* governance) perspectives. In its operational sense, governance is a context-bound ensemble of rules, institutions and good practices; but no context is entirely parochial or unchanging, so the need for a comparative theory that provides a common thread to widely differing contexts remains paramount. The best one can do is to imagine governance in terms of the quintessential quality of classical jazz: the main themes are given, and the actors improvise around them. Balance is the key, for over-governance could drive a political system to the mechanical entropy of totalitarian rule (a theme that I develop at greater length in the concluding chapter), just as 'under-governance' is an invitation to chaos and anarchy. Both themes underpin the lineage of the colonial state, and the discovery of region as a crucial level of governance by the successor elites, discussed at greater length in Chapters 3 and 4.

3 The institutional arrangement of governance

Structure and the formation of the state in India

Introduction

This chapter builds on the micro view of governance (Figure 1.2) with the macro context of the state in which these games are embedded. I argue here that the state is a crucial exogenous explanatory variable for the state of orderly rule. The national state with its ensemble of institutional arrangements, the elite decision makers at the levels of the nation, region and locality whom it recruits, trains, promotes or sanctions depending on their performance (particularly with regard to governance), its mores and core values affect the state of governance through strategic initiatives in the crucial areas of security, welfare and identity. The monopoly of legitimate violence, for those subject to the authority of the state, carries the ultimate responsibility for orderly rule as the other side of the coin. Hence, even though elite strategies play a key role in the explanatory model that underpins this study, the state, seen as an ensemble of institutions, authoritative practices, leadership and high politics, deserves careful investigation as a crucial exogenous variable that is deeply significant for governance at all levels of the system. Consequently, I analyse the implications of the specificity of the Indian state in terms of its evolution and institutional arrangement for governance in this chapter before we move on to the analytical narratives of the regions in the next chapter.

The discussion of the evolution of the Indian state that the chapter undertakes thus has two main purposes. First, it seeks to illustrate the reciprocal relationship between governance and state formation, for just as the state facilitates governance, so does governance generate stateness (Nettl 1968; Mitra 1990a). In the second place, the chapter lays down the elementary structures of India's main institutions that hold a particular responsibility for orderly rule, which set the backdrop to the study of the specific roles of the police, administrators and the party system in governance (Chapters 5 and 6). The chapter substantiates these arguments through an analysis of the formation of the state in India before and after independence, and the itemisation of its inner architecture in terms of the institutional arrangements of the state.

The analysis of the self-generative capacity of India's institutional arrangement draws on the logic of rational choice neo-institutionalism (Guy Peters 1996: 43; Weimer 1995; Calvert 1995; Croskery 1995) as well as historical institutionalism (Peters 1999: 63). On the basis of this explanation, the chapter explores the institutional innovations of the post-independence regime, and the developments beyond Nehru's stewardship of Indian politics. In analysing the institutional arrangements of the post-independence state, I juxtapose the institutions that occupy the commanding heights of the state with their perception, and evaluation by regional leaders, followed by an evaluation of the trust, efficacy and legitimacy by India's citizens, based on findings of the National Election Survey (NES) of 1996 (Mitra and Singh 1999: Appendix).

Inter-community violence in India: the state at risk?[1]

As seen through the eyes of the victim, the political and the moral responsibilities for disorder usually rest with the state. Even when disorder is initiated by groups, as in inter-community conflicts, or by lone individuals, the state, no matter what, gets placed at the top of the list of those responsible for the breakdown of order. Not surprisingly, the role of the state in India's governance has drawn considerable attention in the wake of the riots accompanying the destruction of the Babri Mosque in Ayodhya (1992) and its aftermath; and the Gujarat riots (2002). Many have apprehended the destiny of India's minorities because of the rise to power of Hindu nationalism, first in several regions and eventually at the head of a coalition government at the national level. Many scholars (particularly Paul Brass 2003) have voiced their scepticism about the stability of the democratic and inclusive character of the Indian state.[2]

How does the state in India fare when measured against these minimum standards of structural and functional prerequisites of orderly rule, particularly when approached through the traumatised lives of the victims of riots and myriad other indignities that socially marginal groups in India are alleged to face in their everyday lives? Who or what is 'the state' in India and have these groups and individuals got the will, the ability and the dense network of institutions indispensable for orderly rule? How are institutions of state, whose constitutional function enjoins them to secure the lives and dignity of those in their charge, perceived by elites and the ordinary people? These questions, some of which were initially voiced by Ronald Segal (1965) and Selig Harrison (1965) and subsequently taken up by those who saw in the rising violence of the 1980s the deinstitutionalisation of India (Morris-Jones 1987: epilogue; Kohli 1990), polarise opinion, as much among specialists as among the wider public in India.

The chapter, focused on the evolution of the state in India, questions this recrudescent doubt. The explanation of the resilience of the modern, democratic state that I develop in this chapter draws on the legacy of the

pre-modern state, carried over to the post-independence institutional nexus through the double mechanisms of popular mobilisation and democratic participation as the main explanatory factors.[3] The explanation draws on the constellation of historical conditions which blended the complex legacies of India's pre-colonial state tradition (Fox 1971) into the core values of the modern state, such as secularism, constitutionalism and parliamentary democracy based on majority rule. I review in this chapter the role of key institutions of the state such as federalism, law and order, judicialisation, the civil service and political management of the economy in this light. These issues are followed through an analysis of the political process that saw the replacement of the British Raj with a hybrid form that drew as much on the institutions and political culture of the Raj and the Indian opposition to it as on pre-colonial forms of politics.

Micro-politics, macro linkages and institutional arrangements of the state

Culturally ingrained norms of self-policing, backed by the public authority, keep people on the narrow and straight path of orderly behaviour in the intimate worlds of family, kin, church, tribes and caste, as well as in the public sphere. When the arena shifts from the locality to large, impersonal contexts of regional or national states, whose members do not have face-to-face contact and do not share social bonds, then formal rules, underwritten by sanctions against transgression become indispensable to ensure orderly rule. The presence of a consciously designated third party to guarantee the binding character of rules, and thus the predictable character of outcomes, becomes a crucial part of the institutional arrangements of governance. As guarantors of order, regimes, markets and community organisations strive to ensure rule-abiding behaviour through a combination of incentives, coordination and sanctions. The national state, quintessential underwriter of the terms of transaction within and between societies, the omnipresent third party in India's state-dominated pluralism (Rudolph and Rudolph 1987), serves as the ultimate guarantor.

The post-colonial state in India has not only survived the departure of the founding generation of elites, but actually managed to bring about a silent revolution in terms of empowerment of historically underprivileged minorities. This record appears puzzling when compared to the high mortality rate of states in changing societies. India, a relative late-comer to integration with the international market economy, has followed the trend in terms of shedding the excess baggage of the welfare state while, at the same time, developing a new international profile in terms of the representation of India's national interest in the competitive times of globalisation.[4] Her political institutions, which have retained their regulatory role in spite of the retreat from the 'commanding heights' of the economy, are the result of post-independence institutional innovation. This, in turn,

continues to draw on institutional arrangements under colonial rule and pre-colonial institutions.

The capacity of modern institutions to tap into the historical memory of the pre-colonial state tradition deeply engrained in local and regional history and the dialectics of modernity and tradition are important factors that go into the making of the resilience of the Indian state. Some of these factors were identified by Lloyd and Susanne Rudolph in their analysis of the role of caste associations in the transformation of India's political culture (Rudolph and Rudolph 1967). Referring to the seemingly unbounded capacity of caste associations to adapt to modernity through their discovery of a new and powerful function of democratic representation through the transformation of social solidarity into vote banks, the Rudolphs commented:

> If tradition and modernity are seen as continuous rather than separated by an abyss, if they are dialectically rather than dichotomously related, and if internal variations are attended to and taken seriously, then those sectors of traditional society that contain or express potentialities for change from dominant norms and structures become critical for understanding the nature and processes of modernization.
>
> (Rudolph and Rudolph 1967: 10)

Richard Fox, in a much celebrated review of this seminal work, has pointed out the tautological overtone of the 'modernity of tradition', particularly when it is asserted as a general proposition. 'If aspects of the traditional survive, it is because they had this potentiality; if they do not, it is because they lacked this potentiality' (Fox 1970: 26). When exactly do traditional institutions survive, and why?

In their subsequent research, the Rudolphs have responded to some of these issues by giving concrete shapes to the potential capacity of tradition to adapt to modernity. The first and most important of these arguments is the identification of the centrist character of the Indian state. It 'minimises the political salience of major cleavages' (Rudolph and Rudolph 1987: 1). This, and 'state dominated pluralism' (ibid.: 247), where a multiplicity of social groups compete with one another under the overall hegemony of the state, provides traditional institutions with the room to manoeuvre their way into modernity. The state tradition of India has institutionalised a system of conflict resolution with a legitimate role for the state as an indispensable 'third actor' (ibid.: 65). The transformation of binary conflicts into a triadic form has made it possible for conflict to be localised rather than spreading across the whole system and solutions to clashes based on class or faith to emerge from within the state structure rather than from rival sources of authority. In their second argument they suggest 'involuted pluralism' as yet more evidence of the ability of the state to multiply arenas of competition for influence and resources, so that the

potential for conflict aimed at the state gets transformed into intra-social competition for power, with the state playing the role of an ‘honest broker’. The phenomenon ‘not only weakens each successive unit, but also weakens all units collectively’. It then becomes ‘easier for the state to manipulate an increasing number of weaker units’ (ibid.: 257). Finally, corresponding to caste associations in their *Modernity of Tradition* (Rudolph and Rudolph 1967), they identify other hybrid forms of political organisation such as ‘bullock capitalists’ that constitute a dynamic link between traditional agriculture, the modern economy and the state. The bridge between traditional society and modern institutions is thus constituted by a series of vital hinge groups[5] that draw their legitimacy from both tradition and modernity.

Identifying these hinge groups and facilitating their induction into positions of power and prestige into the local, regional and, finally, the national arenas has become a successful method of breathing power and vitality into modern institutions of alien provenance. In their characterisation of the state in India, Rudolph and Rudolph (1987: 400–1) show how modern institutions have successfully incorporated apparently contradictory values in order to create a space where different social groups can periodically negotiate the priorities for the politics of the day. Costs and benefits for the key actors with regard to major conflicts are widely distributed, leading to diffused protest and wide legitimacy. The state has thus acquired a manifold persona and an almost infinite capacity to generate legitimacy through its brokerage function.

> Like Hindu conceptions of the divine, the state in India is polymorphous, a creature of manifold forms and orientations. One is the third actor whose scale and power contribute to the marginality of class politics. Another is a liberal or citizens’ state, a judicial body whose legislative reach is limited by a written constitution, judicial review, and fundamental rights. Still another is a capitalist state that guards the boundaries of the mixed economy by protecting the rights and promoting the interest of property in agriculture, commerce, and industry. Finally a socialist state is concerned to use public power to eradicate poverty and privilege and tame private power. *Which combination prevails in a particular historical setting is a matter for inquiry.*
>
> (Rudolph and Rudolph 1987: 400–1; emphasis added)

These insights help us understand the steps through which the state in India has evolved, and analyse the process that has given her institutions their political and moral elasticity. Though this capacity has been thought of as specific to Indian culture,[6] I argue in this chapter that the historical evidence is explicable in general terms.

The state and public order in historical and comparative perspective

The state makes order, and order makes the state. Public order as a minimum condition of stateness is a cross-cultural constant, though the institutions that make this possible have considerable variation from one context to another. Composed of the three core ideas of public order, institutionalisation of power and a shared political bond between state and society, elements of stateness are significantly present in the writings of Kautilya, one of India's early state theorists. 'A king who observes his duty of protecting his people justly, according to law, goes to heaven, unlike one who does not protect his people, or inflicts unjust punishment.'[7] The king's functions, rather than his person, are of the essence. 'A king, who flouts the teachings of the *Dharmashastras* and the *Arthashastra*, ruins the kingdom by his own injustice.'[8] Ever ruthless and canny, the British colonial rulers, India's self-appointed 'rulers and guardians', saw themselves as discoverers, implementers and synthesisers of her great traditions of rule. Thus, in a personal account of imperial rule, Philip Woodruff's *The Men Who Ruled India* (1953) claims, 'The ultimate justification for British rule in India [lay in the] reaction it provoked, [for] it stung India to life.' Woodruff and other apologists for colonial rule attribute the success of the anti-colonial movement to the transfer of power and modern institutions to the successor state, made possible by the benign and catalytic role of the very Empire itself.[9] The fine balance of legitimate rule and fear of punishment ('the second principle of growth, hard pruning', in Woodruff's colourful language) sums up the essential self-image of the 'rulers and guardians' of the Empire and their Indian successors.

Looking back, now that the colonial rulers and Indians who had served them passing from living memory and India has become a different kind of place, one can take a detached view of British achievement with regard to the creation of authority with a great economy of force (Foucault 1991). This describes the continuity in structure and process from Curzon to Nehru (Durga Das 1970), for though the people changed, the system maintained its continuity through an incremental devolution of power. That said, accounts that attribute the resilience of the Indian state to the twin functions of order and welfare under colonial rule perhaps tip the scale too much in favour of the finely crafted utilitarian design of Bentham, Mill and their progeny in the India Office in London, as the only argument for the emergence and continuity of the modern state in India.[10] I approach the larger issue of the foundation of the modern state in India from the angle of national and regional state formation, drawing the contribution of Richard Fox (1971) to the debate, the critical intervention of India's own elite in the politics that surrounded them and their strategic responses to the national and regional contexts (Frankel and Rao 1989, 1990).

At issue here is the identification of the authority of the state with a recognisable social base. Does this inhere in land, or in a social network? Does the essence of the Indian state consist of its identification with an integral territory, as one can see in the defence of the 'inalienability of Jammu and Kashmir' in post-independence discourse concerning India's state formation? Or is the Indian state the concretisation of a civilisation, a culture and a people, an argument in which Kashmir as mere territory becomes redundant and *hindutva* comes to the forefront as the legitimating device and a bonding principle for the Indian state? In response to these questions, the Indian state has devised a fusion of both territory and community as the social basis of rule, drawing on federalism and consociationalism (Lijphart 1996). More than a mystical teleology, the juxtaposition of historical contingency and elite strategies accounts for the resilience of the Indian state. I explore the argument derived from the core model of the study (Figure 1.5) in this chapter with reference to the structure and function of the pre-modern state as the guarantor of security, order and protection. I argue that it is a legacy that has been continued through the method of democratic decentralisation, federalisation and empowerment of marginal social groups, a legacy that has added depth and breadth to the authority of the post-independence state.

Earlier commentators had thought this impossible. In asserting that India's struggle for survival as a nation was 'a struggle against herself', Harrison (1960: 3) was pointing towards a basic problem of blending India's multilingual regions and 'linguistically differentiated peoples, all of them so self-aware, all numbered in millions and tens of millions' into something resembling the European nation-state. He quotes two influential colonial opinions about India's fundamental disunity[11] and goes on to ask whether a unified India could survive at all, and, if it were to survive, what the price of survival might be (ibid.: 4). Harrison was not convinced that India, the democratic republic as conceptualised by the Constitution, would survive the transition from colonial rule and predicted that parochial instincts would 'rise up like the hood of a cobra' because 'the visceral response of every man is to fall back on his parochial self for protection against others who are, in turn, falling back on their own parochial selves' (ibid.: 11).

The main focus of Harrison's (1960) scepticism regarding India's resilience lay in the anxiety about identity, which led to the division of British India into two states, one explicitly based on Islam and the other, while formally secular, nevertheless launching an independent career without having solved the issue of the core values of its national identity. Other sceptics concerning the survival of the nascent state voiced their doubts in terms of the inability of a 'soft state' (Myrdal 1968) to carry the heavy burden of development, the spectre of the mobilised marginal groups laying siege to the institutions of the state (Huntington 1968), and later, at the height of the turbulent 1980s, 'uncontrolled politicisation' (Kohli 1990).

There were, however, other voices that pointed in the direction of potential resources that the Indian state could draw on. With his succinct list of sources of conflict that could lead to these outcomes, Weiner (1968) pointed out sub-regional conflicts, class differences, occupational interests, and tribes, languages and religions vying for supremacy as challenges to the stability of the state and institutionalisation of power. But while elaborating on the causes of conflict and areas of weakness, Weiner also indicated the resources, both those consciously designed and those fortuitously endowed by society and history, that were likely to stand India in good stead with regard to the durability of her institutions. India has been able to harness these potential resources to good measure by developing a political process that tends to cut across groups rather than cumulating conflict in a manner that would deepen the chasm that divided them. Factions, seen by advocates of modernisation as spoilers of the national and developmental projects, actually served the function of national integration because of their complex social base (ibid.: 51–2). On the basis of these findings, Weiner suggested leadership and the organisation of intermediary structures such as political parties as the key variables of governance. With regard to political stability, Weiner asserted the skill of political management as an explanatory factor of last resort.[12] The astuteness of Weiner's comments finds an echo in the tripartite division of the fundaments of rule into the accommodative, the repressive and the sublimating, practised by both British India and the successor state (Brown 1985; Morris-Jones [1964] 1987). Its success accounts for the variation in the level of governance.

The genealogy of the state accounts for the complexity of the institutions, processes and policies that affect governance. It follows that a responsive and proactive state, whose leaders are able to develop a reciprocal link with social elites, can draw in fresh energy from the social sphere to the political, and reciprocate the gesture by providing new linkages to the locality and region beyond their traditional frontiers. The political culture and tradition of governance that post-independence India has partly inherited and partly evolved have succeeded in identifying the room to manoeuvre between state and society, and bridged the chasm that is the bane of many changing societies. I discuss in the next section a functional approach to the relationship of state formation, security, public order and governance that can be blended with the historical accounts of the pre-modern state (Fox 1971) in order to develop a new approach to state formation in India from the point of view of governance.

Relative modernity: democracy and the convergence of kinship, territory and rule in the making of the Indian state

The state is as much a political as a moral bond. Its cohesion, durability and legitimacy are affected by its people and the geographic context in

which it is ensconced.[13] In asserting the continuity of the pre-modern and modern state traditions, and the plural routes to the modern state, Susanne Rudolph adds succinctly:

> Whereas for Hegel, Marx and Weber there appeared to be but one race and the West had strung the tape at the finish line for others to break, for us it has become apparent that there are multiple races and many finish lines, and the tapes are manufactured also in Tokyo and Beijing.
>
> (Rudolph 1987: 732)

This assertion is supported by the historical sociology of state formation in north India, which questions the validity of the claims made for the historical circumstances within which state formation took place in the industrial West as the only reference point for a cross-national analysis of state formation (Fox 1971).

The formation of the state relative to the context of local ecology, demography and culture and social network is important for the explanation of state formation in India, as much for the national state as for the regional and local units of governance. This, as we see in Chapter 4, is marked by tremendous differences in the level of governance between regional states such as Bihar and West Bengal despite their being part of the same national state, governed by one national constitution.[14] Using historical segmentation and its accompanying ritual as core concepts, Fox (1971: 124) suggests a dynamic theory of state formation in pre-industrial India, linking up anarchy and regeneration of the state in terms of stages in a cycle, a theory that gives the *raja* and *kin* crucial roles of linkage.[15] The key argument here is the role of ground reality, which reflects itself within the structure of the state. This makes it possible for Fox to criticise a linear view of state formation where class, buoyed by the power of the industrial revolution, appears as the only motive force behind the emergence of the state. Whereas the industrialisation–modernisation approach to state formation presents kinship bonds as the main enemy of stateness, Fox asserts kinship as yet another route to high stateness. As the analytical narratives of Chapter 4 show, even when the appurtenances of modernity ride high, kin never entirely disappears. It can reappear as the main interpersonal bond should the modern state somehow lose its grip.[16] Kin and class conflate in the institutions of the modern state.

In the traditional society, vestiges of which have survived into the modern world, it was not the superior power of the Brahmin that made the rational peasant share his surplus with him; rather, it was a form of investment in his security by creating a community of like-minded individuals, strung together in a locally recognisable chain based on custom, kin, blood ties, faith, forms of worship and links of marriage. The temple and its priest, like the raja in Fox (1971), and *pyraveekars* (fixers, brokers) in

Reddy and Hargopal (1985), are only the visible tips of the iceberg of security and protection network that links the market, kin networks, locality, region and the national state. In the absence of an explicit statement of this causal chain, commentators on Indian development attribute this to the power of spirituality in the Indian tradition.[17]

The joint history of British rule and Indian resistance provide insights into the joint authorship of the post-colonial state. Both Morris-Jones ([1964] 1987) and Durga Das (1970) point in the direction of Nehru, the quintessential link between the colonial heritage and the post-colonial state, who, like many of his generation, was a firm believer in the theory of progress, the humanistic undercurrent of Western civilisation, individual rights and the territorial state as the guarantor of all these desirable attributes of modernity. This Western tradition represented for them a humanistic current spreading all over the world. Western culture spoke to them in two voices: of Western liberal values which were in contradiction with Western interests. Gandhi pulled these strands together in the form of a social and political programme, and built a coalition of interests which constituted the core of the post-independence state (Iyer 1986).

India's colonial rulers sought legitimacy, like all regimes based on coercion, through the blending of material and psychological rewards with punishments, and sought to inculcate new social norms and cognitive categories into the concept of self of the colonised (Nandy 1983). The result was a culture in which the subjects fought their rulers within the psychological limits set by the latter, and the creation of a particular style of managing dissent. Starting with the founding of the Indian National Congress by Sir Allan Octavian Hume, a retired British civil servant, a brief history of the Indian freedom movement shows three phases: moderate, 1885–1906; extremist, 1906–19; and the Gandhian synthesis of both into non-violent non-cooperation, evolution of the famous two-track strategy of institutional participation and agitation and birth of the tradition of rational protest. A critical examination of the political development between 1885 (the founding of the Indian National Congress) and 1947 (independence) is important for understanding two key questions, namely, how the ambiguity of British rule affected the dialectic between democracy and governance in India after independence, and how India's *social vision* defined during the course of the freedom movement has fragmented over time under the impact of mass participation.

Under the overall umbrella of British rule, the various sections of Indian society steadily developed their political agendas and learnt how to use their strategic resources in order to give concrete shape to their political goals. The incremental growth of democracy under colonial rule finally resulted in the Government of India Act 1935, which can be regarded as a mother of the present Indian Constitution. The actual writing of the constitution was done by the Constituent Assembly, with the

representation of all shades of opinion, though elected by restricted franchise available to only 14 per cent of adults.

British rule, during the 'high noon' of the Empire that followed the Mutiny of 1857, gave an institutional shape to the combination of accommodation and repression that underpinned British rule. This policy took the shape of a cautious paternalism. The early experiments in social legislation[18] were much less in evidence. But the momentum for them came from an Indian middle class that had grown in the meantime. This new class was not united in its reaction to British rule. Its attitude towards the British varied between imitation, resistance and assimilation. Each contributed to the growth of Indian identity and state formation in its own way: the moderates (Gokhale) (incremental home rule through participation in restricted franchise and petitions), extremists (Tilak) (violent resistance to the British by appeal to Hindu cultural symbols) and the Gandhian synthesis (*swaraj*, *swadeshi*, *satyagraha*, *ahimsa*). Other leaders such as Ambedkar, Jawaharlal Nehru, Subhas Bose and Jinnah made important contributions in their own right as well.

Khilnani's analysis (1997) of the historical figures who enriched the talent pool of Indian leadership at the national, regional and local levels provides an important window to the interplay of texts and contexts, and, as such, to the origin, development and decline of social visions as a backdrop to political action. Legacies of the British Raj and Indian resistance to it effectively generated a number of elements that would enrich the state tradition of India by adding to it the ideas of social change through the agency of the state, universal adult franchise, a constitutional bill of rights, nation building through democratic agency, a Constitution, laws and administrative organisations as instruments of social change, and a democratic state with authoritarian underpinnings. Giving vent to this synthesis, Morris-Jones ([1964] 1987) described it as three idioms of Indian politics: the modern, traditional and the saintly. I now discuss how the strands of this complex tradition have been instilled into the institutions and processes of post-independence politics.

Power, protest and federalisation

Many of the abstract conjectures regarding the origin of the modern state and its links to governance discussed in the previous section found concrete form in the institutions, policies and processes of the state during the crucial decades between 1936–7 and 1957. The first provincial elections held under the Government of India Act 1935, which recognised the semi-autonomous status of provinces under British rule, saw Congress in power in eight out of eleven provinces (Brown 1985; Anita Inder Singh 1987). This massive entry of Congress to elected power was rudely curtailed by the onset of war in Europe. For many provincial Congressmen, entry into legislatures and the consequent fruits of office were a novel and not

altogether unpleasant experience. Consequently, once the Second World War broke out and the British refused to commit themselves to Indian independence after the war as a price of Indian participation in the war effort, the mandate of the Congress High Command for provincial Congress governments to resign and face the familiar scene of political agitation again was as incomprehensible as it was unwelcome to many provincial Congressmen. The subsequent attempts by the colonial power to rule through the ruthless suppression of Congress by the use of the army and the police, together with the cooperation of a series of collaborators from the Muslim League and the Communist Party, ended, finally, in the unsuccessful attempts by the cabinet mission in March 1946 to broker a deal. This ultimately led to independence and Partition. Despite the publicly professed shattered hopes of the Congress for the maintenance of an undivided India, the fact remains that the Indian National Congress succeeded to power in a smaller but politically more manageable unit, unlike the Muslim League, which formed the government in an inchoate, geographically fragmented society with no historical centre of power, nor continuity with its constituents, many of whom were left behind in India. By the time of the inauguration of the Indian Republic on 26 January 1950, the government of India was firmly in control over the bulk of the territory of India.[19]

The Indian state *c.*1950 was a mixture of the many traditions of rule, as well as the legacy of protest movements from the anti-colonial struggle. The Indian Constitution juxtaposed Nehru, the imperial democrat, and the one-dominant-party system with Congress at the epicentre of power. Nehru and Congress, for their time, managed to maintain a robust link between the modern state and traditional society. The modern institutions had a double strategy of stringing together social segments as ruling units of the modern state, and opening up the segments to underprivileged and marginal social groups through the politics of social change and democratic competition. This was made possible through a double system of rights based on individual needs and group identities.[20]

The three decades from 1937 to 1967, as the regional narratives of Chapter 4 show, saw the Indian state engaged in a number of initiatives such as juggling boundaries and creating new territorial units, arenas, institutions and processes to generate and sustain governance.[21] However, the possibility of the resurrection of pre-modern structures remained open throughout. With the three political idioms – the modern, the traditional and the saintly – folding into one another (Morris-Jones [1964] 1987), the political culture of the post-colonial state brought together the pivotal role of local kin elites,[22] the interweaving character of kinship networks, democratic institutions and processes.

Though reforms of all kinds are necessarily strategic, born out of the survival instinct of decision-making elites, an unintended consequence was the democratic empowerment of India's regional segments and marginal, historically underprivileged social groups, and reinforcement of the combi-

nation of self-rule and shared rule (Watts 1998; Mitra 2001a) within the structure of a vibrant process of federalisation. With its deep roots in the segmentary state tradition, the British practice of indirect rule through Indian intermediaries, and the cultural divisions inherent in Indian society, federalisation has emerged as one of the key features of governance in India.

The imperative for the creation of an institutional basis for a negotiated resolution of the contradictions of Indian society was already anticipated by the Indian Statutory Commission:

> If those who speak the same language form a compact and self-contained area, so situated and endowed as to be able to support its existence as a separate province, there is no doubt that the use of a common speech is a strong and natural basis for provincial individuality. But it is not the only test – race, religion, economic interest, geographical continuity, a due balance between country and town and between coast line and interior, may all be relevant factors. Most important of all perhaps, for practical purposes, is the largest possible measure of general agreement on the changes proposed, both on the side of the area that is gaining and on the side of the area that is losing territory.
>
> (1930, vol. II: para. 38; cited in the *Report on States Reorganisation*, 1955: 11–12)

The transfer of power ensured the continuation of these institutional arrangements (Austin 1966; Basu 1985), which have kept pace with changes in the political environment and the growing mobilisation of marginal social groups.[23] The key feature of India's federalism is the four levels of the pre-modern state, which are given constitutional accommodation in the form of independent spheres of action. Under the Constitution of India, the Union, state, district and local authorities are each responsible to a specific social base, while forming parts of a vertical chain of command that links Delhi with India's twenty-seven regional states, six Union Territories and over half a million villages. This has helped balance the need for law and order, economic development, national integration and cohesion, and a horizontal accountability to the people at the respective levels.

There are a number of constitutional limitations on the powers of the constituent units of this federation such as the extraordinary power of legislation by the central Parliament on state subjects in national interest when authorised by the Rajya Sabha to do so (article 249), or the fact that the consent of states is not required for alteration of their names or boundaries – and similarly, the overwhelming financial power of the Union; the comprehensive sweep of the Union Planning Commission, which has subsequently been diminished in the light of the liberalisation of the Indian

economy; and the important role of the state governor, who, unlike his American counterpart, is not elected but is a central appointee. When the central government contemplates the imposition of direct rule on a state, the governor's report on the state of law and order in the region becomes a crucial consideration. The all-India services that constitute the sinews of the Indian system are recruited and maintained by the central government. But the decline of the one-dominant-party system and the growth of regional party systems have induced something akin to the American form of coalition of interests which, translated into the parliamentary democracy of India, takes the form of coalition governments. These developments, conflating modern institutions and traditional identities, have transformed India's regions into strategic actors of national as well as regional politics.

With remarkable prescience, the framers of the Indian Constitution had equipped the Indian state to respond to the demands for autonomy through the double mechanism of individual and group rights. During the first phase of India's constitutional development, some of these instruments were useful by empowering political majorities below the level of the national state through the effective enactment of provincial administrations. The second phase of constitutional development through the states reorganisation of 1957, which created linguistically homogeneous states and counterbalanced the likely chauvinism through the promotion of the three-language formula requiring the use of Hindi, English and the regional language, made it possible to institutionalise the multicultural nature of the Indian state.[24] In its third phase, the same process of constitutional development of federalism in the 1990s, India has witnessed the creation of new regional states and the deepening of the principle of power sharing by the statutory power now accorded to village councils.

The evolution of India's party system, which has created firm linkages between state and society, has complemented the normative developments of the federal principle and its adaptation to India's cultural and historical context.[25] During the critical years of transition from British rule and the consolidation of popular democracy in India, the Congress Party provided the link between the modern state and traditional society. Congress rule both at the centre and in the states provided informal channels of communication and balancing of national, regional and sectional interests.[26] Federalisation, a process whereby the state has sought to unite cultural divisions with political and administrative units, has emerged as the main theme of regional state formation in India. The key role in the integration of the Indian states was played by India's first Home Minister, Sardar Patel,[27] and subsequently, by the States Reorganisation Commission. The resultant geographic divisions thus have the advantage of continuity and administrative efficacy, while holding out the hope for further regional state formation to groups who might feel hard done by as a result of a particular measure.

The further ramifications of the linkage function of regional elites are considered in detail in Chapters 4 and 6. The new group of highly visible

and effective regional leaders of India, drawing on their power bases in the states, often consisting of people from India's periphery – in terms of religion, elite caste status or geographic distance from the centre – are able to generate a different construction of the nation-state that is better suited to the spirit of our times. When jockeying for power in national politics, regional leaders present themselves with alacrity as the defenders of the security and integrity of the nation, without, however, at the same time compromising the regional interest. In consequence, the governing elites are much more willing, and able, to accommodate minorities, localities with historic grievances, and social groups that entered post-independence politics with unsolved pre-independence (in some cases, pre-modern) problems. It is thanks to these power brokers that the emerging multi-party democracy of India is not merely an anomic battle for power and short-term gain, but the releasing of pent-up creativity and visions of organic social groups that provide a fertile and cohesive backdrop to the realignment of social forces.[28]

The Indian Penal Code: a 'cunning'[29] of colonial rule

Stern and exemplary punishment for offences considered a threat to governance and the state and identifying the deeper social and economic conditions that are likely to drive ordinary people to crime and the undertaking of corrective action through reform were the key elements of the colonial double strategy of rule.[30] Those at the apex of colonial administration, in touch with ground reality in India through the everyday exercise of power, were aware that many of the so-called dacoits were as a matter of fact defending their traditional livelihoods, or were looking for new means to make ends meet because of the expansion of British rule, which had deprived specific parts of the Indian population of their traditional occupations. Moon shows how the government of the East India Company, which utilitarian thinkers based in London saw as an instrument of progress, keeping order in a fragmented society, was also deeply involved in pillage and subversion of the rules of rational governance when it suited the interests of the wielders of power.

> Hastings recognised that the principal cause of these disorders was economic distress; and this in turn, to the extent that the famine was not responsible, was believed to be mainly due to the decay of trade consequent on the virtual monopoly of it by the Company and the Company's servants.
>
> (Moon [1947] 1962: 72)

Bayly (1996) makes a similar point in his deconstruction of the myth of the *thuggee* which emerged in the period preceding the Mutiny as a campaign slogan by the anti-dacoity department, the mainstay of interdepartmental

wrangling over budgets and grist to the orientalist mill about exotic Indian practices of criminality tinged with religion. The ‘evidence’ that went into the construction of these ideas was actually extracted under duress from convicts. Still, underneath these ideological edifices that justified colonial rule, at least to the satisfaction of the holders of power, there was smouldering resentment against alien rule, which expressed itself in the form of religious organisation.

The Indian Penal Code (IPC) and the Criminal Procedure Code (CrPC), both of which are the products of the institutional means to enhance legitimacy of the state and governance, provide this comprehensive structure of norms. I examine in this section its evolution over the period since its creation in 1861 by the British Parliament. Both codes have contributed to predictability of law, which is one of the main considerations for the political actor engaged in the cost–benefit calculations with regard to obeying the rule, or looking for alternatives.

After assuming the power to rule in India, first in isolated local arenas and subsequently in vast stretches of land and ultimately as the sovereign power over the territory of India, the British were faced with the problem of devising the right basis for legal rule. As Ratanlal and Dhirajlal (1992) say, the British were aware of India’s legal heritage from the classical law texts. However, the classical tradition had gone into limbo following the decline of Hindu imperial rulers. The legal void was filled by local custom and religious rules specific to different communities.

The British, confronted with a patchwork quilt of legal systems, first tried to add their own through various royal charters, establishing a Court of Judicature at the outset. Further innovations followed in 1687, 1726 and 1753. In 1772, Warren Hastings took steps for the proper administration of criminal justice, instituting a complex system that respected local custom with regard to crime and punishment while seeking to bring the diversity of customs under one overall justice system, presided over by the British system of jurisprudence. The scheme had two main features. First, it did not apply English law to the Indian provinces; and second, Hindu and Muslim laws were treated equally.

Finally, in 1833, Macaulay moved the House of Commons to codify the whole of the criminal laws in India and bring about uniformity. Elucidating the task before the Commission, Lord Macaulay observed:

> I believe that no country ever stood so much in need of a code of law as India and I believe also that there never was a country in which the want might be so easily supplied. Our principle is simply this – uniformity when you can have it; diversity when you must have it; but in all cases, certainty.

Just as the British colonial state was about to succeed in establishing an unambiguous centre of rule in India, the establishment of the IPC pro-

vided a legal veneer to British *de facto* sovereign status in India by introducing unity, diversity, certainty and individuality into law (Ratanlal and Dhirajlal 1992: iv). It was presented to the Legislative Council in 1856 and was passed on 6 October 1860. It superseded all rules, regulations and orders of criminal law in India and provided a uniform criminal law for all the people in the then British India, irrespective of caste, creed or religion. The IPC has stood the test of more than a century and still largely meets the needs of present-day society.

The prevention of unlawful assembly and homicide were the salient elements among the array of instruments that the IPC provided to the state through which to assert its lawful authority. The formation of crowds with the express purpose of resisting lawful authority has been viewed with great apprehension by rulers from the earliest times. The British rulers were extremely wary of 'mobs' – a fact that was put to superb strategic use by Gandhi (Mitra 1995b). The failure of an unlawful assembly to disperse when warned to do so gives the state the authority to declare a riot, and brings into operation sterner measures with which to disperse the crowd. The IPC categorically declares:

> An assembly of five or more persons is designated an 'unlawful assembly', if the common object of the persons composing that assembly is to overawe by criminal force, or show of criminal force, the Central or any State Government or Parliament or the Legislature of any State, or any public servant in the exercise of the lawful power of such public servant; to resist the execution of any law, or of any legal process; or to commit any mischief or criminal trespass, or other offence; or by means of criminal force, or show of criminal force, to any person, to take or obtain possession of any property, or to deprive any person of the enjoyment of a right of way, or of the use of water or other incorporeal right of which he is in possession or enjoyment, or to enforce any right or supposed right; by means of criminal force, or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.
>
> (Ratanlal and Dhirajlal 1992: 153)

Rule of law, judicialisation and strategic reform

Law was one of the more popular avenues for the Indian middle classes seeking upward mobility under colonial rule. Besides being lucrative, a career in law could be easily combined with political work. Thus, the culture of litigation, the social recognition of law as a career, the rule of law and a rule-bound anti-colonial struggle with the odd exception quickly recanted, all share a common history of development under colonial rule. The Constitution of India itself, the Supreme Court, presiding over a pyramidal structure of courts (Baxi 1980; Dhavan 1980; Basu 1985; Verma and

Kusum 2000) and the use of law as an instrument of social justice (Galanter 1989) bear testimony to the crucial presence of law on the political scene, which explains the importance that the Constitution attached to law in its institutional design (Austin 1966: 164). But, as explained in the previous section, the British legal structure often took over local customs of Hindu and Muslim civil law. The British legal system spread gradually, giving the natives the habit of internalising alien legal norms. The first serious challenge to the independence of the judiciary from the executive and to comprehensive nature of its legal competence occurred during the 1975–6 Emergency. The major contours of the Emergency regime, namely,

> the elimination of civil liberties, particularly by control of the press and by a reduction in the autonomy of organised groups such as labour unions and the Bar; the elevation of the executive to decisive supremacy over Parliament and especially a reduction of the power of the judiciary to decide public issues
>
> (Galanter 1989: 94)

contravened the system of judicialisation that had grown, incrementally, from the mid-nineteenth century. But, Galanter adds, no lasting damage has been done to the Indian system of rule of law through the assault on judicial independence made during this brief interlude. The balance of law with politics is ensured through the convention of the appointment of the judges of the Supreme Court by the President of India, as advised by the Prime Minister. Political interference is kept under check through the convention of consultation with the judicial establishment in this matter of appointment. The combination of constitutional safeguards and political practice ensures autonomy of the judiciary (Basu 1985: 265).[31]

On the whole, the Indian Supreme Court has set high standards of probity in public life and added a measure of dynamism to the model depicted in Figure 1.5 through innovative legal practices. It has become a fair and neutral arbiter between state and the individual, or social groups. But important issues remain. Whose rights are to be seen as paramount, those of the individual or the group, the citizen or the state? The issue of moral equality and personal law remains open.[32] The most celebrated and controversial of the innovations of India's Supreme Court is known as 'public interest litigation', where the Court itself becomes an agent of social justice. In filing cases to defend the interests of aggrieved individuals, the public interest lawyers (including, in some instances, members of the judiciary itself) invoke the authority of the Supreme Court to instruct the national executive to undertake corrective measures. Such spectacular judicial acts as the attempts to fight pollution in metropolitan cities or to highlight cases of sexual harassment at the workplace or to deal with the cases of 'bride burning' have focused attention on the shortcomings of India's executive.

Social change, welfare and bureaucratic planning as strategies of governance

Political order is crucially contingent on the perception of equal life chances by political actors. In a segmented society with deep inequalities, rules and reform are closely linked. Seen in this light, one can understand the twin inspiration of Bentham and Hobbes behind the expansion of British rule over India. The spice trade might have provided the initial impetus for the opening up of the sea routes to India, but tax farming, after the crucial battle of Plassey, provided the crucial momentum behind colonial expansion (Bayly 1988). The British-instituted land settlements surveyed the Indian grain heap carefully through meticulous land settlement and improvised, drawing as much on the knowledge acquired from their predecessors as from methods of agrarian management then fashionable in England, in order to create the landholding systems of *zamindari*, *mahalwari* and *ryotwari*. These would maximise extraction of the agrarian surplus while keeping a lid on the consequent peasant unrest. The British knew that natural catastrophes spelt disasters for the administration of the rule of law. Hence, to seal the system against natural catastrophes, of which India had plenty, thanks to untamed rivers and the untameable monsoon, they innovated intricate schemes of drought and famine relief; a Public Works Department (PWD) and a practice of deferment of land revenue were instituted. Independent India was to continue the institutional arrangements lock, stock and barrel but with a greater sensitivity to popular demands.

The Indian Republic, very much a successor state to its British and premodern predecessors, was launched with its economic agenda already in place, over and above the everyday politics of competing political parties, as well as an institutional mechanism of safety nets for the unlucky and the disadvantaged. The institutional link between entitlement – to security, dignity and welfare, and fair trial – and legitimacy, already present in a minimal, abstract sense in the mid-nineteenth-century debates in the British Parliament about India, grew with the deepening of colonial rule and Indian resistance to it.[33] Nehru, the first Prime Minister, leader of the nation and arch-modernist, presided over the entire system of development and relief by dint of his fascination for planning and his previous experience of leadership of this domain under colonial rule. Unlike in the Soviet Union, which inspired both Nehru and his chosen band of planners, however, there was no ministry of planning as such. Instead, the Planning Commission was accorded the status of an expert body whose advice had to be ratified by the National Development Council, consisting of the Prime Minister, key members of the national cabinet and all the Chief Ministers, so that its recommendations could find their way into legislation. Implementation was left entirely to the bureaucracy, accountable through the respective ministries to the legislative bodies at the centre and

in the provinces, and hence, to the people of India. The remainder of the chapter analyses the perception by elites and the cross-section of the Indian population of the links between institutional arrangements, the sense of individual efficacy and legitimacy.

The hiatus between trust and empowerment, and its implications for governance

The simultaneous and puzzling occurrences of elections and inter-community violence and violent insurgency sum up the duality of protest and participation that has evolved in India since independence (Mitra 1992). This, in a way, is a continuation of the political repertoire of colonial rule and Indian resistance to it. The six decades that preceded India's independence had witnessed a steady, incremental extension of the right to vote under the overall hegemony of British colonial rule. The pace of expansion of enfranchisement and participation has been maintained. The overall impact of this gigantic growth in participation has been to quicken the pace of democratisation but also to make democracy more contentious.

Naipaul's observations on India's 'million mutinies'[34] point in the direction of two faces of electoral democracy in India. As a post-colonial society, where power was transferred in a relatively peaceful manner to a national movement which thereafter became the ruling elite, India belongs to a category of states which, at the time of independence, had not made the economic transition that preceded the introduction of universal adult franchise in contemporary stable democracies (Mitra and Singh 1999). The new rulers of the post-independent state nevertheless committed themselves to generating the legitimacy of the regime from popular participation through elections based on universal adult franchise, and popular perception of the institutional framework of development. Seen through the eyes of the long suppressed and the exploited, representative democracy follows the logic of numbers and the cumulating of voting strength through short-term alliances and its aggressive use for the promotion of sectional interests. But political majorities can function most effectively and meaningfully only in the context of respect for individual rights and tolerance of minority values. The fact that these principles originated mostly in cultures foreign to India did not matter at that moment of the euphoria of independence. India had already been exposed to some of them for the better part of the duration of colonial rule, at least in the form of ideals to wish for.[35] How successful has India's institutional arrangement been in the maintenance of the linkage between trust and governance as the intimate world of the kin network has been replaced by the vast dimensions and the impersonality of popular democracy?

The process of accelerated interaction of politics and society, of which mass elections were the main intermediaries, was fraught with contradic-

tions, appearing occasionally to run into the cul-de-sac of populist rhetoric and the electoral consecration of a certain number of rogues and scoundrels. Democratisation can thus appear to gnaw at the roots of governance and civility; the quickening and deepening of the pace of politicisation, characteristically releasing into the political arena social forces that are capable of pulverising the very basis of stable government and norm-bound institutions. The full fury of accelerated political mobilisation was not released until the 1980s, growing in its frenzy until it reached a climax in the terrorist violence, communal clashes and political disorder poignantly symbolised by the destruction of the Babri mosque in December 1992. Early pointers to these developments had already caught the critical eye of Kothari (1970).

The constitutional design and the structure of institutions that were intended to give concrete shape to the idealistic goals of the Republic, enshrined in the preamble, adopted individual rights as the cutting edge of social change. However, such principles as individual rights, and representation based not on group identities but on individual interests and structured along the lines of political majorities, seen in the context of a society based on hierarchy and tightly knit social groups, could only lead to conflicts based on values and interests of everyday politics. The consequence has been a hiatus between institutional trust and individual efficacy, giving a sense of inner contradiction to India's politics as a whole, appearing, simultaneously, as an enormous source of strength and resilience, and a potential danger, pointing towards the vulnerability of modern institutions.

The following question was asked in our semi-structured interview with regional stakeholders in order to measure how they evaluate the major institutions of state with regard to 'ensuring high governance' (Table 3.1):

Table 3.1 Perceived salience of the institutions of state for ensuring high governance (by regional elites, as percentages, $N = 150$)

Agency	*Extremely or very important*	*Somewhat important*	*Marginally or not at all important*
Central government	85	11	4
State government	97	2	2
Local government	88	9	3
Judiciary	84	11	5
Bureaucracy	78	12	10
Police	74	16	9
Army	39	21	40
Media	82	12	7
Parliament and assemblies	89	9	2
Political parties	80	14	6

Source: Elite interviews, 1998–9.

Question. I would now like to talk about agencies that help in creating high governance. For each of the following institutions, can you please tell me how important they are in your opinion for ensuring high governance?

The summary impression one gets from the semi-structured interviews with political leaders, police officers, civil servants and activists is an affirmation of the salience of the institutions of the state for governance by those well placed to appreciate it. The central, state and local governments and the Parliament and assemblies enjoy high visibility as agents of governance; the judiciary, political parties, bureaucracy and the police enjoy middle-ranking status in terms of their contributions to governance; the police and media do poorly, but not too badly if one adds up the top two categories of 'extremely important' and 'very important'. The army gets the lowest positive rating as an agent of governance, but this only indicates the largely civilian character of India's domestic politics, in contrast with those of her neighbours.

The picture of social visibility of the state in India that we get from its recognition as an agent of governance by the regional stakeholders is reinforced by a comparable set of findings from a survey of the mass electorate. Interviewed about a month after the parliamentary elections of 1996, 55 per cent of the voters were able to name their Member of Parliament correctly (Mitra and Singh 1999: 103), a remarkably important finding considering the fact that India's parliamentary constituencies tend to be enormously large, representing well over a million people on average, and heterogeneous, because they do not always correspond to cultural or administrative divisions. That it is not specific to this election is shown by the fact that in a similar survey following the parliamentary elections of 1971, about 55 per cent of the voters were able to name the winning candidate from their constituency correctly, and in 1996, 42 per cent of the electorate were able to name the previous MP correctly. These findings show the extent to which society recognises the presence of the state in its midst. The recognition is not passive but active, in an instrumental sense. Asked if India would be better governed without parties, assemblies and elections, an emphatic 69 per cent of the electorate (Table 3.2) assert their approval of parliamentary democracy as their preferred form of government (Mitra and Singh 1999: 144).

As a final measure of interpenetration of the state and society, when asked 'Does your vote matter?', 59 per cent of the electorate answered in the affirmative (Table 3.3) (Mitra and Singh 1999: 141). Interestingly, the proportion of illiterates answering 'yes', at 47 per cent, was not significantly lower; the percentage of the former untouchables and Muslims, considered to be marginal subpopulations compared to the 'mainstream', was actually higher than the average at 60 per cent, though the percentage of college-educated respondents, as might be expected from comparative studies of participation, was among the highest of our subpopulations at 80 per cent.

Table 3.2 Marginality and legitimacy (percentages)

	Muslims	*Women*	*Scheduled castes*	*Scheduled tribes*	*Total*
Yes	9	9	10	7	11
No	72	64	67	66	69
Can't say/Don't know	19	27	23	27	20

Source: National Election Study, 1996.

Note
The question posed was *Suppose there were no parties or assemblies and elections were not held. Do you think that the government in the country could be run better?*

Table 3.3 Sense of personal efficacy (percentages)

	Muslims	*Women*	*Scheduled castes*	*Scheduled tribes*	*Total*
Vote has effect	60	51	60	48	59
Makes no difference	20	22	20	23	21
Don't know	20	27	20	29	20

Source: National Election Study, 1996.

Note
The question posed was *Do you think your vote has an effect on how things are run in the country, or do you think that your vote makes no difference?*

Belief in the personal efficacy of the Indian electorate is, however, not matched by individuals' trust in the institutions of government. While from the belief in personal efficacy one could infer a high level of state–society interaction, a high level of knowledge of the institutions of the state and confidence in individuals' ability to work them to their advantage, the trust in the very same institutions is often alarmingly low. When respondents were asked 'How much trust/confidence do you have in different institutions of India?', the results are highly positive for institutions responsible for legislation and adjudication but more negative for those that are directly responsible for order or bureaucratic implementation (Table 3.4).[36]

The comparatively high level of trust in India's independent and highly effective Election Commission and the Supreme Court, which has recently played a key role in fighting corruption and injustice, shows evidence of what Douglass North describes as 'lock-in' of the institution of the rule of law and main organs of the state. The regular renewal of this trust through political participation at the three levels of the federation reaching down to the village, which also gets moderate support from the respondents, is also significant. However, when it comes to the precipitous decline of this trust in the actual repositories of power, namely the elected representatives, political parties, government officials and the police, one begins to

Table 3.4 Trust and confidence in political institutions and actors (National Election Survey, percentages, $N = 10{,}000$)

	Muslims	*Women*	*Scheduled castes*	*Scheduled tribes*	*Total*
Election Commission	48	36	42	25	46
Judiciary	45	36	39	37	42
Local government	44	35	39	39	39
State government	42	32	38	34	37
Central government	44	30	35	35	35
Elected representatives	24	18	20	24	20
Political parties	23	15	18	15	17
Government officials	19	16	16	23	17
Police	16	12	13	13	13

Source: National Election Study, 1996.

Note
The percentages shown are for those having a 'great deal' of confidence in the institution concerned.

notice the Achilles heel of the Indian political system. The survey data on trust, interpreted in the manner of Douglass North (1990), explain why institutions in India appear simultaneously strong and weak.

A situation where individual voters are assertive about their identity and interests but do not have a great deal of confidence in elected representatives and civil servants responsible for the implementation of policy does not augur well for stability of the institutions, or certainty of the rules of transaction, and hence tends to lower the level of governance. A high level of governance and stateness requires reasonably high levels of trust in institutions as well as a strong sense of efficacy on the part of citizens. In a context of high legitimacy and low efficacy, one can expect an authoritarian regime with limited participation. When personal efficacy overtakes the perceived legitimacy of the system, the field is open for intervention from anti-system parties, protest movements, the clergy, students, the army, and any organised group with the means to convince the masses that it can deliver better results.

A complementary question relating to people's belief in the legitimacy of the system reveals a high degree of popular belief in its legitimacy in the electorate as a whole, as well as among groups such as Muslims, women, scheduled castes and scheduled tribes that are considered underprivileged (Table 3.2).

The high levels of efficacy and legitimacy reported in the attitude survey of the Indian electorate explain both the general political stability of India and its occasional collapse. The 'centre' of the political spectrum is occupied by a large group of 'citizens', constituting 42 per cent of the population, who see themselves as moderately efficacious and hold the system to be moderately legitimate. The main sources of challenge to

the stability of the system comes from ‘rebels’, roughly 34 per cent of the population, who rate their own sense of efficacy more highly than the legitimacy they accord the institutions of the state. On the other end of the spectrum are the ‘parochial’ of Almond, numbering about 14 per cent of the electorate, whose sense of efficacy is lower than the trust they repose in the institutions of the state. The remaining 10 per cent of the population, divided into two roughly equal groups, follows the conventional pattern in the sense that their level of efficacy is matched by their view on the system’s legitimacy (Mitra and Singh 1999: 262).

Conclusion

Concepts such as the multifaceted character of the Indian state and the modernity of tradition as an integral part of India’s political culture are of great heuristic value with regard to the orderly and successful transition of India from colonial rule to multi-party democracy. But following the logic of Richard Fox (1970), for the unwary and unfamiliar the mechanical application of this model to reality could lead to a functionalist trap. Stated in these terms, the functional logic is circular. If the state survives, then it was multifaceted; if it does not, then it was not. How can one decide what the optimal number of faces of a state in a given context might be, in order to test its resilience?

The logic of rational choice neo-institutionalism that underpins this study helps avoid this form of tautology. How and with what degree of success does the institutional arrangement of the post-colonial state continue to generate legitimacy while remaining effective at the same time? Drawing on the history of the pre-modern state, colonial rule and Indian resistance to it and the institutional structure of the post-colonial state, I argue in this chapter that governance and legitimacy are critically conditional on the ability of the state to balance tradition and modernity. The state walks a tightrope between the two faces of democracy, namely, institutional participation and radical protest. Tradition survives extinction by finding a new function in the form of embedded values. The state copes with the multiple challenges to its authority by incorporating some apparently contradictory values and creating room to manoeuvre for different social groups.

All states must meet the difficult challenge of simultaneously achieving cohesion by letting the decision makers also enjoy the fruits of power, but ensuring that the powerful do not corner all the material and symbolic rewards on offer. Most post-colonial states, because of their institutions’ lack of historical and cultural depth, have found this challenge particularly difficult to meet. Tilly has alerted the student of state formation with a ‘warning’ about the steel fists of the elite interests inside the velvet glove of democratic institutions.[37] For those social groups that are at a remove from this proximity to power, the hiatus between legality and legitimacy

becomes glaringly obvious when either they do not receive from the institutions of the state the protection they need, or their interests are passed up unfairly in favour of the interests of their rival social groups. The active complicity of the ruled, an essential ingredient of this formula, is assumed and occasionally asserted (Griffiths 1971), but it is neither theoretically integrated with democratic theory nor empirically tested. With a combination of historical heritage and good judgement, the state in India, as I argue in this chapter on the basis of the opinions and attitudes of socially marginal groups, has managed to turn adversity into advantage by turning rebels into stakeholders. The resilience of the state in India (Mitra 1990a: 79–82), achieved through the skilful management of anti-state movements, and governing with a combination of sanctions, rewards and reform (Mitra and Lewis 1996), provides a wide empirical spectrum against which one can verify implications of the neo-institutional model of governance proposed in this study.

The state in India has successfully combined the twin roles of providing a relatively neutral point of reference for competing social forces and providing a sense of direction for social and economic change. The process of state formation and democratic empowerment of a population suddenly cast into the challenges and opportunities of modernity has not been free of problems. The crucial issue has been the hiatus between personal efficacy and institutional trust. Chapters 5 and 6 examine elite strategies of coping with discontent, and analyse and compare the success of our six regions as they struggle through their specific problems of governance.

The double transformation of India's state and society has been possible through a written and judicially enforceable Constitution that has clearly laid down the fundamental rights of the individual, and of the regions through a federal division of powers, protects liberty through a separation of powers between the three wings of government (Austin 1966), but has nevertheless enough flexibility to incorporate changing social values and norms and to bring about social and economic reform through constitutional amendment. The continuous federalisation of India has brought the political units of governance at the regional and local levels in line with her cultural divisions and promoted the mother tongue to the official language for the bulk of the population while safeguarding the interests of the minorities through a complex three-language formula (Brass 1974). The mediating role of a plethora of commissions, informal quota systems and symbolic recognition, meticulously documented by Lijphart (1996), shows the combination of the features of federalism and consociationalism that effectuates majoritarian democracy in India while protecting the rights of minorities. Failure to undertake similar reforms eventually split Pakistan, leading to the birth of Bangladesh as a separate country (Rashiduzzaman 1989: 111–30), and is the root cause of the Tamil problem in Sri Lanka today.

States make rules; rules make the state. National sovereignty and the

authority of the state that sustains it are the ultimate foil of interpersonal trust (Braithwaite and Levi 1998; Oakeshott 1962). The institutional arrangement of governance is the 'missing link' between trust and orderly rule. The chapter sets the ground for an empirical analysis of the revolt of 'society' and its paradoxical solution in a two-track strategy consisting of institution and policy making on the one hand and repression on the other, that has become the dominant mode of both rule and resistance in India (Mitra 1992). This complex response to protest movements, combining both repression and accommodation, has become the hallmark of the Indian state, both at the centre and in the regional centres of power. This theme is developed further in the next chapter through its analytical narratives of governance in the six regions selected for detailed study.

4 The regional context of governance

Six analytical narratives

Introduction: the region as a site of governance

My intention in this chapter is to familiarise the reader with the specific circumstances of the region, drawing on primary as well as secondary sources pertaining to them. The method of analytical narratives (Bates *et al.* 1998) which I have chosen for this purpose provides a storyline to gather events, people and places into a continuous and cohesive account of a general phenomenon – in this case, regional governance. It sets the political context of governance in the region, drawing on culture, the economy and history, and thus constituting a backdrop to the statistical analysis of quantitative and qualitative indicators. The historical sequence of regional state formation is itself an important part of regional governance. The narrative locates the founding myth of the region in the historical chronology of its evolution, identifying the movement or the leadership that took the first decisive step towards its founding. If the region had a pre-independence administrative existence, then the structure of its governance before independence and the legacy that the administrative core carried on to its post-independence form, the main administrative changes, transformation of the social base of the power, and legislative and constitutional innovations with an implication for governance are also included.

Like the national state, the region affects the conditions of orderly rule, but, under India's federal division of power, the implications of the regional context are essentially different from those of the national level. In consequence, region–nation collaboration, and competition, also become important exogenous parts of a comprehensive explanation of governance. The analytical narratives of the six selected regions explain how, and with what success, they cope with it. The objective here is not so much to present new facts (unlikely, in view of the limited space and the richness of the primary and secondary sources on India's regions) as to extract the underlying pattern of regional homeostasis, elite cohesion and the convergence of micro parameters and macro policies and institutions that account for order and anarchy in the regions.

Regional governments, part of the institutional appurtenance of the Indian state analysed in the previous chapter, are crucial cogs in the wheel of national governance, yet with a caveat. Under the Constitution, and by convention, whereas the Union is indestructible, regions remain, at least in form, creatures of the national state.[1] The legal responsibility for law and order rests primarily with the regional government, but under the watchful eye of the centre. While the state governments control the regional police, the Constitution of India provides for their supersession by direct rule from Delhi for the failure to maintain lawful governance (article 356). In practical terms, however, following the end of the 'one-dominant-party system' (1947–67) where the Indian National Congress ruled at the centre as well as in the states, as states have increasingly acquired autonomy and an authentic political voice, the maintenance of law and order has become more of a joint venture between Delhi and the states. Still, contextual diversity rules at the heart of legal uniformity of India's regions, as the regions, in the light of their social and political evolution, historical context, specific relations with the centre and institutional arrangements, experience the problem of governance in different ways.

The chapter draws on the logic of governance (Figure 1.2) and the hypotheses developed in Chapter 2 as heuristic guides to regional governance narrated in this chapter. The detailed accounts of governance discussed in this chapter are designed to analyse the combination of historical contingency and elite strategy that in each case accounts for trends in governance. While the latter is measured by a combined index of murders and riots, the narrations of governance draw on the dense political world of the regional states, their social and cultural backgrounds, the historical evolution of the region as a political unit, their cultural and belief systems, and the contingent political factors that affect orderly rule. The analytical narratives of governance in Punjab, Bihar, West Bengal, Tamil Nadu, Maharashtra and Gujarat presented here offer a glimpse of the internal process of each of these regional laboratories of governance. By design and convention, the regional states of India constitute a centrally planned institutional apparatus and policy process. But additionally, they also undertake experiments in institutional designing and the innovation of new policies and practices, and they export the knowledge of governance thus gained beyond their boundaries.

Regional narratives play a double role in this book. The *thick* narration of the minutiae of governance in each specific case is intended to reveal the complex and interconnected nature of a very multifaceted combination of factors (not all of which can be accommodated in a general explanatory model such as the one I suggest in Figure 1.5) that affect governance. On the other hand, collectively, the six regions, selected for their representative character with regard to the key hypotheses, also constitute a microcosm of governance in India. Even as the diversity of their history, geography and institutional endowments renders comparison difficult,

their commonality and contrast in strategic reform, institutional arrangement and social cohesion enrich the general inferences on the key parameters of the model.

The narratives follow the logic of their own unfolding while striving to cover comparable parameters. Each regional state of India experienced to some degree the stability induced by the hegemonic role of the Congress Party in the aftermath of independence. The introduction of the universal adult franchise, which quickened the pace of competitive politics, ushered in both new social groups and factionalism. The changeover from Congress rule to rule by other political parties and coalitions has had dramatic but variable implications for governance at the regional level. The nature of political transition, sometimes interspersed with periods of governmental instability and political turbulence, has had deep implications for the core institutions of governance such as the bureaucracy and the police. The comparison of regional experiences that follows shows how some states became politically unstable in the 1960s while others held out for a while. Some, like West Bengal and Maharashtra, regained a sense of political equilibrium under the institutionalised rule of parties and coalitions that established stable political linkages with newly mobilised social formations, while others, such as Bihar and Gujarat, have not yet established the political basis of a new homeostasis.

The political geography and history of the region play a crucial role in its governance. The ability of the founding elites to adapt themselves to the new political context after the foundation of a regional state in the wake of the redrawing of India's internal boundaries by the States Reorganisation Commission in 1957 is a crucial parameter for regional governance. Of equal importance, as we shall see in the case of Punjab, are the balance of power of the new, post-independence order and moral challenges to authority emanating from the assertion of cultural identity from a rival source of power, as in the case of the Shiromani Gurudwara Prabandhak Committee (SGPC) in Punjab. Tamil Nadu, where Tamil identity had emerged as the main challenge to governance after independence, has transformed the political space, so that Tamil identity is no longer the transcendental issue cutting across social cleavages that it once was. But this transformation has not taken place along the lines of firm linkages between social cleavages and competing parties, which has resulted in populist policies and personal rule.

Regions thus represent packages of historical legacies, social networks and political memories that vary widely. Their governance is a function of a cluster of factors that prominently include the assuaging of grievances of dissident elites, and founding an institutional home for the regional identity. So, though all regional governments have the same formal institutional arrangement, the analytical narratives that follow take into account both the commonalities and specific features, paying attention to specific developments unique to each region, and chosen to emphasise only those

aspects of the region that contribute in an important way to the main argument.

The narratives are organised around factors that crucially affect the likelihood of orderly rule. I intend to show how and why 'criminal self-help',[2] often sweepingly attributed to the specificity of regional culture and mentality (e.g. Punjab's penchant for violence, the criminalisation of Bihari culture), actually has deep historical and institutional roots. The loss and recovery of order in local and regional arenas results from a whole cluster of factors, prominently including the cohesion of the regional elite, their ability to combine both dominance and accommodation through a deft conflation of electoral mobilisation, ideological positioning and public policy, and their ability to identify with the essential idea of the region and accountability to its people, even if such efforts remain merely at the level of the symbolic.[3]

The genealogy of order in the regional states of India shows how countervailing institutions such as the bureaucracy, legislature, judiciary and political parties and movements can successfully balance order and anarchy, and restore orderly rule. In this context, the coordination of the centre and the states, and, within the region, the linkage of the state capital and the district and local arenas, is of the essence. Just as the actor at the micro level must balance the desires to cheat, revolt or kill with the imperative to obey the law, so do the political elites at the next higher level, whose motivation arises from the desire to secure their own power, strive to create conditions where order-destroying acts are perceived as morally wrong, unnecessary in terms of welfare, or unpromising in terms of guaranteed sanctions against criminal self-help.

Homeostasis: social cohesion, regional state formation and governance

Homeostasis, when it occurs, results from the symbiosis of interests, networks and institutions, and indicates the ability of organised political societies to conserve energy by devising rules. As the return of West Bengal to orderly rule after the 'decade of chaos' (Kohli 1990) shows, order is not the outcome of some cultural essence but the result of political initiative and institutional arrangements.

Survey findings indicate that the region, along with the nation and the locality, is an important step in the three-tier system of rule built into India's federal design (Mitra and Singh 1999: 163). The rich literature on governance-generating institutions in Indian states (Weiner 1968; Wood 1984; Frankel and Rao 1989, 1990) provides valuable insights into a comparative analysis of governance in India. The regional government, more than the central authority or the local administration, is the repository of the primary constitutional responsibility for the maintenance of law and order.[4] Regions are important staging posts for upwardly mobile

politicians and civil servants. Following the liberalisation of India's economy in the 1990s, regional governments have acquired a new international character as entrepreneurs in the fields of fostering technological innovation, and initiatives in social and economic policy. Keeping pace with these changes, regional markets have become testing grounds for the service industry and business processing, the cultivation of cash crops, agribusiness and inter-generational renewal of the political class. The regional arena today is a major conduit for local aspirants eager to move up to the pan-Indian arena and beyond.

General awareness of the region as a critical link in the chain of governance has grown among specialists and ordinary citizens in parallel with the migration of the levers of power from Delhi to the states, reflecting the unfolding logic of India's cooperative federalism. In contrast with the early years after independence, when the Union government, presided over by Jawaharlal Nehru, held all the political cards in its tight grip, regional leaders today have emerged as freewheeling politicians with independent social bases, keen promoters of regional interests, and crucial building blocks of government and opposition in India's national politics. The complexities of coalition building have given considerable leverage to political leaders from the regions, transforming them into statesmen and innovators of the art of governance rather than keeping them as minions of an all-powerful central government. The threat of the imposition of direct rule from the centre under article 356 of the Constitution on flimsy partisan grounds to supplant elected governments in the regions has greatly declined under the new dispensation. Instead, state governments have added political muscles to the legislative sinews of their constitutional responsibility for governance.

I have chosen the six regions analysed in this chapter both for the element of diversity that they introduce to our understanding of governance in India and for the rich seam of insights they provide in the identification of governance-enhancing institutional innovation. The key variables of my analytical model of governance are embedded in the economic, social, political and cultural soil of the region, where one can observe the manner in which they affect one another. The ensemble of these factors sustains orderly rule. The chapter builds on a timeline of the interaction of this variable in each of the states. The narratives themselves are presented as thick descriptions of the region, comprehensible within a common theoretical frame.

With the region as the empirical backdrop, one can specify the abstract stakeholders in the rules game (Figure 1.1) as Tamil and Bihari politicians, Gujarati rioters or Maratha cooperative bosses, Sikh priests or Bengali *bhadralok* in their new incarnation as Communist leaders, and rediscover them as parts of larger political forces ensconced in specific historical, social and economic contexts of India's regions. Seen from the point of view of the rational individual, rule violation occurs under very different

circumstances, leading to different outcomes. The diversity across regions is enormous. One can violate the rule to secure an objective on the assumption that sanctions are either not likely or not deterrent enough, as in Punjab at the height of Sikh militancy. More rarely, one can violate the rule because the rule is offensive to a value that the actor considers non-negotiable. On the other hand, watchful supervision by one's social superiors and ancestors,[5] connecting with the present through chains of memory and imagination, can turn aside the more adventurous from misdemeanours, thus enhancing the probability of orderly rule.

In its ideal-typical form, the caste society based on *jajmani* provides the conditions that allow a high-status, relatively wealthy and powerful core social elite to act as the empirical anchor of social dominance (Dumont 1970). The convergence of the moral and political arenas as argued in the previous chapter is crucial to the self-reproducing, orderly society based on reciprocal obligations, exchange of status and interest. Weber's idealised Hindu society in the context of a village community meets these conditions (Bendix 1960). Seen beyond the magic and myth that give a veneer of legitimacy to this social and political structure, the order-generating local community conforms to a universal ideal type. From the left, Antonio Gramsci (1971) and Francine Frankel and M.S.A. Rao (1989, 1990) describe the empirical basis of order respectively as 'hegemony' and multiple 'modes of domination'.

There are many variations on this theme which build macro empirical models for India as a whole based on the micro governance-generating local community. The political sociology of the first decade after independence presented the structure of power in terms of a pyramidal state based on local and regional arenas. India's 'local and regional varna schemes' (Fox 1970) constitute a national grid that connects Hindu society and its extensions with religious and ritual networks. The *jajmani* system, which gives concrete shape to these bonds, was used by the electoral campaigners of the early decades after independence, when universal adult franchise had come into force but party systems and organisations were yet to develop. The campaigners could actually transform the networks into a 'vote bank', in that caste elders could use social bonds as the basis of political mobilisation (Rudolph and Rudolph 1967). The local social system could thus take the shape of a 'pyramid of power' (Mitra and Singh 1999), where the convergence of power, status and wealth at the top was balanced by a less powerful but numerically superior social base of lower-status people. It was only a matter of time, however, for the electoral process – that ultimate 'weapon of the weak' – to reach the marginal and the dispossessed and for numbers to be transformed into votes, which stopped vote banks from evolving into a self-perpetuating clientelist structure, and ended the predictable nature of party support. The pace of this transformation, as we learn from Frankel and Rao (1989, 1990), occurred at a different pace in different parts of India, on the basis of the regional

and local variation in leadership, legislation, opportunity structure and social configuration of power.

The regions I have chosen for detailed analysis present a diversity of patterns on the loss and recovery of order, resulting from the divergence, and subsequent convergence, of the modes of domination. Some regions, like Gujarat, as we see in the following narratives, succeeded in fending disorder off for a while by deflecting competition for limited political goods away from vulnerable institutions through the creation of new resources and new arenas such as cooperatives and local self-government. Some, which succeeded in effectuating an intermeshing of traditional and modern organisations, as in Maharashtra, attained a deeper legitimacy. In some, as in Bihar, new entrants to the political arena have challenged the old elite, but without successfully institutionalising their new status in terms of a regime that could give it the security of legitimacy. Some states, like West Bengal, through a combination of strategic reform and institutional innovation, successfully co-opted potential challengers and made statesmen out of rebels. Others, like Bihar, because of the missed opportunity to reform and because of having too narrow an identification of the moral order with the material interests of a particular constituency, paid the price by making rebels out of ordinary people.

Regional governance is thus the outcome of a diversity of historical contexts and elite initiatives, and political pressures generated by ordinary people. There are, first of all, the usual endogenous factors such as changes in the relative strength and aspirations of the stakeholders of regional politics. Other changes come cascading down from the apex of the national political system and in some cases, as in Punjab and Gujarat, from beyond the national frontiers. The political equilibrium of the regional arena can be disturbed by shifts in the constellation of forces in the national capital. Sometimes the endogenous and exogenous factors reinforce one another in order to generate a ‘lock-in’ (North 1990: 7) effect that produces a stable regime, a stable institutional arrangement and a long spell of high governance.[6] In some cases, a hiatus between order-generating forces and factors contesting established authority spells doom for regional governance. Once again, comparable factors have not always led to similar outcomes. The Communist regime of West Bengal has found a solution to durable coexistence with the change of guard in Delhi, something that has not been the case with the Akali Dal of Punjab and the Dravida Munnetra Kazhagam and Anna Dravida Munnetra Kazhagam of Tamil Nadu.

The narratives presented in this chapter provide empirical insights into these intriguing themes of regional governance. They show how the empowerment of the middle and eventually the lowest strata of society created counter-pressures through political mobilisation, leading regional governance to break down and occasionally, in a reverse process, to re-emerge phoenix-like from the detritus of the *ancien régime*. My analysis of

these developments, in view of the tight limitations of available space, is necessarily schematic, focusing on a standard statistical measurement of governance which combines the average levels of murder and riots, both equally weighted, and a narrative of governance from the beginning to the present. The narrative explains how, under the successive shocks of the Partition of India, the redrawing of boundaries by the States Reorganisation Commission, democratisation through reform, political mobilisation, and more recently, liberalisation of the economy, some regional arenas have acquired a dynamism that is lacking in other regions.

Punjab: balancing repression with surreptitious accommodation

The narrative of orderly rule in Punjab serves to buttress two different views of governance in India. The first view finds convincing evidence of the resilience of the state in the restoration of order after long years of political violence. Following the parliamentary elections of 2004, with an elected government led by the Congress Party during whose watch the army Operation Blue Star of 1984 against Sikh terrorists ruling in Punjab, and Manmohan Singh, a Sikh, as the first non-Hindu Prime Minister of India, orderly rule appears to have returned to Punjab after long years of militancy. The restoration scenario gains further confirmation once the murder–riot index for Punjab is compared to that of India as a whole. As Figure 4.1 shows, Punjab's level of governance has not exceeded the Indian average during the period of our study. The violent *image* of Punjab derives from the rapid *increase* in the number of murders in the late 1970s, the spectacular nature of the violence and the proximity of

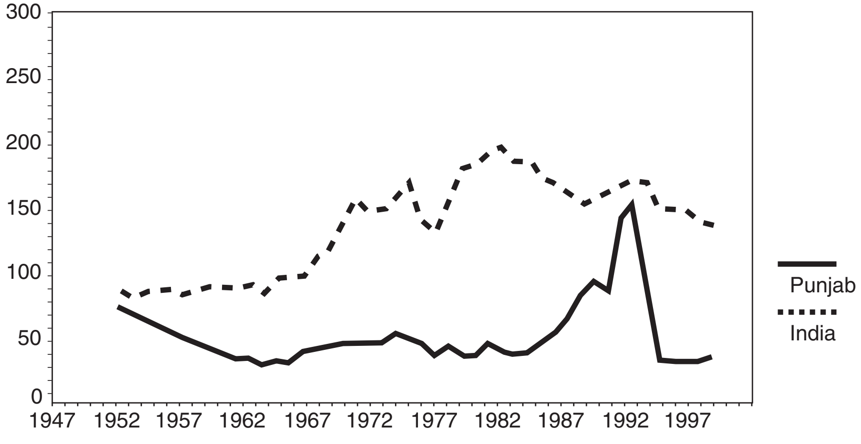

Figure 4.1 Governance in Punjab (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

these happenings to Delhi. In a reverse process, the rapid decline in murders (Figure 2.3 and Tables 2.5 and 2.6) has already started influencing public perception. As Table 4.3 (later in the chapter) shows, 56 per cent of the Punjabi adult population, according to the National Election Study of 1996, perceive law and order in their area over the past five years to have improved, compared to 25 per cent of the national population taking the same position.

These claims are contested by the second view, which asserts the continued presence of Sikh resentment (Mahmood 1996), substantiated by spectacular acts of breakdown of the rule of law. The feeling that violence lurks underneath the surface layers of orderly rule is an integral part of the contemporary political landscape in Punjab. The recent escape of Jagtar Singh Hawara, the key accused in the murder of a former Chief Minister of Punjab and the bombing of an Air India flight, which could not have been possible without the connivance of parts of the security apparatus and the assistance of sympathisers from outside the prison, makes the point. Press reports show just how vulnerable Punjab's security apparatus still is in the face of determined terrorists.[7] The synoptic account of the complex politics of Punjab during the years after Partition until the late 1990s, which saw a substantial decline in overt challenges to the state, focuses on events and institutional choices that have affected governance.

Partition and regional state formation as factors in Punjab's governance

If the quick resort to force on issues of material gain or identity has become so characteristic of Punjab as compared to other parts of India, then the traumatic memories of Partition certainly do much to account for it. The events during the decade preceding the transfer of power of 1947 deeply marked the course of politics in Punjab and Bengal, both of which were partitioned as part of the settlement leading to independence. Intensification of the political competition between the Congress Party and the Muslim League at the national level had deep implications for political competition in regional arenas as well. Particularly hard hit were the Unionist government of Punjab and the Krishak Praja Party (KPP) coalition of Bengal, which, led by regional Muslim parties, had tended to be conciliatory towards their non-Muslim minorities. This policy of accommodation came under great pressure from Jinnah's ardent desire to see a sovereign Islamic state of Pakistan containing both Punjab and Bengal in their entirety.

Jinnah saw the League as the sole representative of India's Muslims. The announcement of the policy of direct action by the Muslim League made it abundantly clear that it meant to achieve its goal of Pakistan by all means. 'Direct Action in Calcutta and Noakhali, in the organisation of which the League ministry connived,' writes Anita Inder Singh,

> provided the spark which lit the fires of civil war. Rape, forced marriages, conversions – the fact that the atrocities had been committed on a fairly large scale before the disturbances could be brought under control – meant that stories and rumours spread like wildfire, arousing the deepest hatred and the fiercest desire for revenge; and stirred Hindus into waging the most bloody and brutal vengeance on Muslims in Bihar and the UP. *This was the breaking point.*
>
> (Anita Inder Singh 1987: 247; emphasis in original)[8]

Riots were not an uncommon occurrence in public memory, but the novelty of these riots lay in their scale, the depths to which human imagination could go in devising methods of torture and degradation, and in the complicity of the forces of order with its wreckers.

> As thousands of people lost their lives and as hundreds of refugees fled from their homes, the impression was created in the public mind that the *sirkar* was incapable of doing its job and that it was therefore incumbent on them to be able to defend themselves – in other words, to take the law into their own hands . . . civil war was on its way.
>
> (ibid.: 247)

Partition left a bitter legacy of communal hatred and distrust of authority. In addition, it left the Sikh leadership incensed with the manner in which the League, the British and the Congress,[9] the key players of the time, treated their sense of identity. As communal frenzy gripped Punjab, Sikhs could see the writing on the wall and fled as best as they could to safety in territories that were to become Indian. After independence, as Punjab went through a rapid series of territorial reorganisations, priority was given to administrative rationality rather than ethnic coherence. The larger scheme of things for Nehru's Congress meant many things, such as social change, modernisation, industrialisation and general improvement of the poor and marginal social groups, but it did not include any concession to deep attachments to language, caste or community.

Partition, which had cut the erstwhile Punjab into two, marked a radical transformation in Punjab's physical dimensions, reducing its area by half and, more significantly, changing its ethnic balance. The percentage of Muslims came down from 53 to 2; that of Hindus went up from 31 to 62; and the percentage of Sikhs more than doubled, going up from 15 per cent to 35 per cent, which made them an important minority in the state. A further administrative transformation was introduced in July 1948 when several districts were merged to form a new province called Patiala East Punjab States Union (PEPSU) with Patiala as its capital and a Sikh majority among its population. As part of the reorganisation of India on a linguistic basis, PEPSU was reintegrated to Punjab on 1 November 1956, and

the hill areas of East Punjab were organised into the new Union Territory called Himachal Pradesh.

The inimitable blend of legal subtlety and political panache with which Jinnah had used the concept of minority to deny Sikhs parity with Muslims as minorities[10] came back to haunt the politics of identity in Punjab after independence. The very proximity of Hinduism and Sikhism, the heterogeneity of ritual within Sikhism and larger forces of modernisation in the melting pot of post-Partition India became a great challenge to the sustainability of a unique identity for Sikhs. Soon this led to the revival of demands for a separate Sikh state as the only guarantee of Sikh identity. The Akali Dal, the main political formation claiming to represent Sikhs, adopted a resolution on 28 May 1950 seeking the creation of a fully autonomous Punjabi-speaking state on the basis of language and culture. The motivation for the demand for a Punjabi-speaking state came after the failure to secure constitutional safeguards for the Sikhs in the new Constitution of India. The creation of the unilingual state of Andhra in 1953 provided further stimulus to the demand for a Punjabi suba as a regional homeland for Punjabi-speaking people. The Union government and the Akali Dal had reached a settlement on 11 March 1956, called the 'Regional Formula'. The Akali Dal abandoned the demand for the creation of a Punjabi suba, and the Union government on its part provided some measure of autonomy by demarcating a Punjabi-speaking zone. However, when Kairon, the leader of the Congress Party and Chief Minister, opposed this demand, the Akali Dal responded by reopening the demand for a Punjabi suba, and convened the first Punjabi Suba Conference at Amritsar on 12 October 1958.

The main opposition to a Punjabi suba came from Pratap Singh Kairon, himself a Sikh, leader of the Congress Party of Punjab, and Chief Minister from 1956 to 1964, who had the full backing of Nehru. Among the population, opposition to the idea came from a section of urban Hindu businessmen from the Punjabi region of the state. This group feared that the demand for a Punjabi suba on the basis of language was merely a stratagem for the attainment of Sikh hegemony.

One can understand the Punjab strategy of the Congress High Command under Nehru in terms of Figures 1.2 and 1.5. This consisted of setting Sikh against Sikh, which would cancel out the invocation of identity as a political tactic and reinforce the hands of the Punjab government through *carte blanche* regarding the use of force, combined with raising the economic status quo through rapid agrarian development. However, after the death of Nehru and the change in the central regime in 1964, a major shift in this policy took place. In an implicit concession to religion as the basis of identity, the new state of Punjab, with a Sikh majority, was created on 1 November 1966. This second partition of Punjab reversed the ethnic ratio once again, transforming the majority Hindus to a minority by reducing their proportion from 64 per cent to 45 per cent, and turned the Sikhs

into a slim majority of 53 per cent. But as the subsequent analysis shows, this concession to cultural nationalism was not the last of Punjab's problems of governance, for the rising tide of ethnic conflict was to engulf the state in the turbulent decades that followed.

From the beginning, the new state left many disappointed. As the hill areas were transferred to Himachal Pradesh, Punjab was left with no mineral wealth to provide the basis for industrial growth. The potential industrial centre of Punjab at Faridabad became part of Haryana. The joint control of the Bhakra Dam complex made the new state dependent upon a board under the control of the central government for its supply of power and water. Most important of all, the hope of the Akali Dal that the creation of a state with a Sikh majority would enable it to win a majority in the legislative assembly failed to materialise. The only way Akali Dal could form a government was in alliance with other political parties. This was tried after the elections in 1967 and 1969 but the coalition governments proved hopelessly unstable, thus lowering the legitimacy of democratic, institutional politics as an effective guarantee of identity in the eyes of many Sikhs (Jeffrey 1986).

Dominance and the pathologies of power

The 'good years' of high governance that gave Punjab her window of opportunity with steady economic expansion also enhanced the value of political stability as much for the elites as for the masses, putting economic growth as the focus of political life. The decline of militancy, which explains the steep decline in the riot–murder level (Figure 4.1), can thus be attributed to a strategic approach to violence. One takes recourse to it when it appears rewarding but can just as easily jettison it if it proves costly in terms of welfare. This also accounts for the tension between the forces that go under the names of 'national' and 'regional'. Neither can win unilaterally, and winning coalitions are stillborn in the sense that as soon as they come into being, the ideological costs to the partners outweigh the political gains, leading to their steady decline.

The years of Congress dominance came to an end with the exit of Kairon from power. Found guilty of the abuse of authority and exploitation of his position for personal gains, Kairon had to resign as Chief Minister on 15 June 1964, and shortly thereafter was assassinated. In the elections of 1967, following the division of Punjab on the basis of language, which made Punjabi the predominant language of the new Punjab on 9 June 1966, for the first time in history the Congress Party failed to win an absolute majority in Punjab. Nevertheless, it remained the largest party, and vigorously indulged in the political horse-trading that characterised Indian politics of the period. The political paralysis that ensued brought in central intervention in the form of President's rule, imposed on 23 August 1968. In this atmosphere of short-term alliances and political chaos, Jan

Sangh, primarily representing urban Hindus, emerged as a coalition partner of the Sikh Akali factions, but stymied the ruling potential of the coalition by making demands to increase the profile of Hindi, which the Akalis were not prepared to accept. The result was the reimposition of President's rule, on 15 June 1971.

In the 1972 elections, Congress won a landslide victory. The Congress high command selected the president of the Pradesh Congress Committee, Giani Zail Singh, a Sikh, to head the Congress ministry. However, when national Emergency was declared, on 25 June 1975, the Akali Dal found a winning strategy in the revival of the issue of identity and found a political plank on which to relaunch itself. To mark its opposition to the curtailment of democracy and to stake its claim to be the authentic voice of Punjab, it launched a *morcha* that continued during the entire duration of the Emergency. The government of Giani Zail Singh was able to impose order and accelerate economic growth, and nurse the conventional Congress constituency within the weaker sections of society. But the political tables were turned on it when, following the end of the Emergency, the Janata Party won a massive victory in the parliamentary elections of 1977, and, in a morally dubious move, made use of article 356 for the dissolution of the assemblies in nine states ruled by the Congress Party on the plea that they had lost the credibility of the people. The Akali Dal, its stature enhanced because of its opposition to authoritarian rule during the Emergency, won a landslide victory in the elections of 1977.

Just as the Janata government had done earlier, the Congress government at the centre used article 356 for imposing President's rule in nine states, including Punjab, when Indira Gandhi, the unrepentant author of the Emergency, triumphantly returned to power after winning the 1980 parliamentary elections. The Congress won an absolute majority in the Punjab assembly elections in 1980, but the legitimacy and efficacy of the government were severely eroded because of a sharp increase in Sikh militancy (Figure 4.1). With the signing of the Rajiv–Longowal Accord laying down the groundwork for the restoration of democratic politics in July 1985, elections to the Punjab Vidhan Sabha were held in September 1985. The Akali Dal president and signatory to the agreement, Sant Harcharan Singh Longowal, was killed by Sikh militants before the elections in August 1985. The Shiromani Akali Dal (Longowal) decided to participate in the elections. The United Akali Dal made an unsuccessful call for a boycott. The Akali Dal won the highest number of seats in its history and had for the first time a clear and independent majority. However, the installation of the ministry of Chief Minister Surjit Singh Barnala could not stop the ever-growing Sikh militancy in Punjab. The non-implementation of the Punjab Accord by the central government, the consequent rise in the activities of Sikh militants and the internal dissension within the Akali Dal led to the downfall of the Barnala ministry and to the implementation of President's rule. The defeat of Congress (I) in the

parliamentary elections of 1989 and the success of the National Front coalition led by V.P. Singh signalled a new phase in the policy towards Punjab. The collapse of the National Front coalition and the replacement by a minority Janata government further enhanced the potential for a negotiated solution.

The elections to the Punjab Vidhan Sabha were finally held on 19 February 1992, after a prolonged period of fifty-seven months of President's rule. The election, thanks to the deployment of the army, was orderly and peaceful, but the main factions of the Akali Dal boycotted it and the voter turnout was only 22.9 per cent (Butler *et al.* 1995: 262). All the national parties in Punjab, including Congress, which had boycotted the June 1991 elections, participated in the February 1992 elections. A Congress ministry, with limited legitimacy in view of the low turnout, was sworn into office under Beant Singh. However, the Beant regime, characterised by corruption and poor administration, came to a brutal end in 1995 when Beant Singh was assassinated. The responsibility for the car bomb that killed Beant Singh and sixteen of his followers was claimed by the terrorist group Babbar Khalsa. After the death of Beant Singh, Harcharan Singh Brar was sworn in as new Chief Minister. Factionalism in the Congress finally led to his resignation in 1996. Following the sweeping victory of the Shiromani Akali Dal–BJP alliance in the 1997 Punjab elections, Parkash Singh Badal was elected as Punjab Chief Minister for his third stint after seventeen years of absence.

The Anandpur Sahib Resolution: secular and sacred identities of Punjab

A brief perusal of the chequered history of democratic governance highlights the ever-present possibility of recourse to self-help in the form of agitation politics, for the sake of faith or with a coldly cynical eye to the next election, including those to religious bodies. As a form of protection racket, rule infringement can be a lucrative trade. The surprising ease with which money, drugs and guns – or, for that matter, electoral support – change hands, and the alacrity with which professional politicians as well as firebrand militants take part in it, gives politics in Punjab a bifocal duality and an institutionalised conflation of faith and material interest. The characters in this *danse macabre* might come from the religious corner of the field as well as from the ranks of career politicians, men and women who have struggled up the career ladder from local politics as well as retired military men and civil servants who have parachuted on to the electoral arena. Part of the explanation of this juxtaposition of the sacred and the secular in the public arena is to be found in the process that led to the Anandpur Sahib Resolution and its aftermath.

After the reorganisation of Punjab in 1966, the Akali Dal became a major political force in the state. However, as we have seen, the Sikh vote

was insufficient to put the Akali Dal into power, and the party accommodated non-Sikh Punjabis by continuing the secular strategy even though it risked alienating Sikh nationalists (Telford 1992: 970). After the defeat in the 1972 elections, the more nationalistic Akalis urged a return to a more Sikh-based orientation for the Akali Dal. In 1973, the Anandpur Sahib Resolution was drafted, which defined the Sikhs as *qaum* (nation) and called for a radical devolution of power from the centre to the states. The religious, political and economic policies outlined in the Anandpur Sahib Resolution were designed to appeal to Sikh nationalists. Nevertheless, the resolution did not become a significant issue until the early 1980s, when Sikh extremists, displeased by the Akali Dal's secular orientation, pressured the party to pursue the demands in the resolution. When Indira Gandhi declared a state of emergency in June 1975, the Akali Dal began the 'Save Democracy morcha'. As a result, 40,000 Akalis were arrested (Telford 1992: 972). In the 1977 elections, the Akali Dal continued to emphasise secular regional issues and not the Anandpur Sahib Resolution. However, after the electoral defeat of 1980 the Akali Dal faced a serious challenge for leadership from Sant Jarnail Singh Bhindranwale and the All-India Sikh Students' Federation (AISSF), who derived most of their support from the poorer to middle-income Jat Sikhs. Bhindranwale was the leader of a small Sikh seminary aspiring to promote himself as a leader in the community. In 1978, he precipitated a violent clash with the Nirankaris, a revisionist sect of Sikhism. The incident marked the beginning of the radicalisation of Sikh politics that swept through the Punjab in the 1980s and into the 1990s. After losing power in 1980, the Akali Dal returned to extra-parliamentary agitation against the central government. In September 1981, the party declared the start of the *dharm yudh morcha* (holy war) and presented forty-five demands to Indira Gandhi on the basis of the Anandpur Sahib Resolution. With the approach of the general elections of 1985, Indira Gandhi transformed the 'Punjab problem' into a 'Sikh threat' that was nationalised and placed outside the bounds of institutional politics (Gurharpal Singh 1987: 1269).

After Bhindranwale was arrested, the Akali leaders made his unconditional release their first priority. After his release one month later, he joined the Akali leaders and was able to keep the party on a strongly militant course. In December 1983, Bhindranwale left the Akali Dal and continued with his armed struggle together with the AISSF. The growing violence in Punjab continued unabated, and six months later the government ordered the army into the Golden Temple in Operation Bluestar. After a week of heavy fighting, Bhindranwale and his associate Amrik Singh were dead, and a huge security counter-offensive forced the militants underground. Virtually all the mainstream Akali politicians were in jail, including Badal and Longowal.

In the period following Operation Bluestar, the agitation for autonomy escalated into a clearly secessionist movement. Indira Gandhi was assassi-

nated in October 1984. Rajiv Gandhi succeeded Indira Gandhi as Prime Minister, and despite his anti-Akali election campaign he soon undertook a peace initiative in Punjab. In July 1985, he signed a peace accord with the leader of the Akali Dal, Harcharan Singh Longowal. Longowal was assassinated by Sikh militants, but his successor, Surjit Singh Barnala, was able to lead the Akali Dal to its first majority government in the Punjab assembly elections of September 1985, with voter turnout being 66.5 per cent (Telford 1992: 985), in spite of a concerted effort by the AISSF to organise an election boycott. The failure of Rajiv Gandhi's government to implement the accord undermined the legitimacy of the Barnala ministry and directly contributed to the revival of the militant movement. On 26 January 1986, the key element of the Punjab Accord, the transfer of Chandigarh to Punjab, did not take place, and on the same day the hard-line faction of the AISSF and the Damdami Taksal recaptured the Golden Temple. The centre abandoned its political approach in favour of a solution based on law and order. In May 1987, the Barnala government was dismissed and President's rule was imposed. President's rule lasted until February 1992, having set up a 'quasi-militarised de facto police raj' (Gurharpal Singh 1994: 411), during which fighting insurgency became the main thrust of the centre's policy in the state.

The Golden Temple was cleared of militants again in May 1988 by a much better-trained commando team in Operation Blackthunder, showing the ability of the Indian state both to learn from experience and to use force effectively to promote orderly rule. Between 1989 and 1992, the insurgency by Sikh militants campaigning for Khalistan reached its peak and effectively sidelined the moderates in the Akali Dal. In mid-1992, the security forces achieved an impressive breakthrough in which several leading figures of militant organisations were killed. In February 1993, the leader of the Bhindranwale Tiger Force, Manochahal, was killed. Thus, most of the top-ranking militants had been eliminated and their organisations rapidly disintegrated. In April 1995, Prime Minister Rao visited Punjab and promised to cancel Punjab's Rs 60 billion debts incurred in fighting terrorism.

The above analysis shows how, compared to the early decades after independence, Punjab has experienced considerable difficulty in sustaining stable government. Periods of unstable or crisis-afflicted governments are interspersed with direct rule from Delhi. Political fragmentation and corruption, which is an extreme form of criminal self-help, affect both democratic, institutional politics and militant opposition to it. The firm imposition of order, symbolic atonement and concession to identity politics, and the assurance of material rewards have played a key role in bringing governance back in again.[11] The general elections of 2004 passed off peacefully enough, with few visible impacts of terrorism.[12] The regional elites point towards the combination of forceful action, the availability of material assistance and the restoration of elections that co-opted sections

of religious leaders into the political and the public arena as responsible for Punjab's return to orderly rule. But the salience of the tactical element that constitutes this complex strategy varies, which also accounts for the variation in the prognosis for a long-term return to orderly rule.

West Bengal: institutionalisation of class conflict under the hegemony of the Left Front

The political image of West Bengal as 'violent, impatient, incipiently class-conscious and leftist' (Nossiter 1988: 109) no longer mirrors reality. With the Left Front government declaring IT to be an essential industry in which strikes are not tolerated, West Bengal gives the impression of having definitely left the turbulent history of the 'decade of chaos' (Kohli 1990: 274) behind. The smooth succession to the veteran Communist Party of India (Marxist) (CPM) leader, Jyoti Basu, by Mr Buddhadev Bhattacharya, a CPM stalwart, as leader of the Left Front and Chief Minister, is another important piece of evidence for the institutionalisation of the coalition of leftist parties that has ruled West Bengal continuously for the past twenty-seven years. The level of disorder in West Bengal, which had consistently remained above the national average, dipped below it in the late 1980s (Figure 4.2). In this section, I shall briefly trace the origin of the crisis of governance in West Bengal and analyse the implications of the transition from a Congress-led one-dominant-party system to one identified with the hegemony of the Left Front for governance.

West Bengal shared the trauma of Partition with Punjab in equal measure, but nevertheless with important differences that explain the contrast between post-Partition politics in the two states. Unlike in Punjab, where the exchange of population was practically total, and reduced the

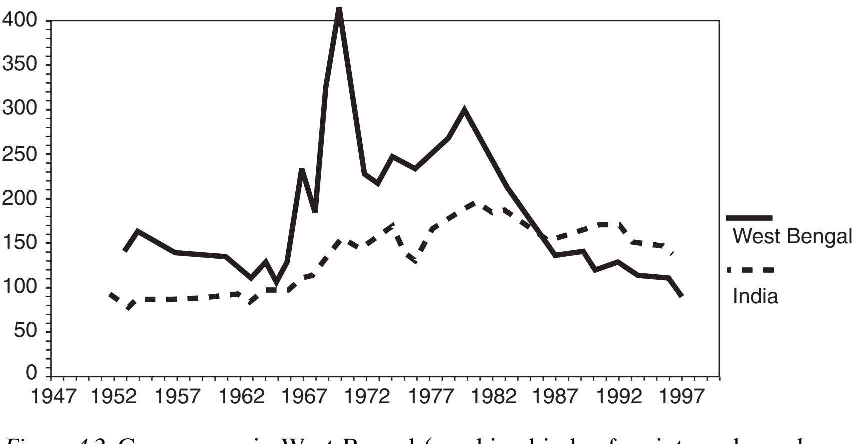

Figure 4.2 Governance in West Bengal (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

Muslim presence in the state virtually to insignificance, a substantial proportion of Muslims did not leave West Bengal for Pakistan. There was thus no significant exchange of population or of property. The consequence can be seen in terms of the population of West Bengal, which registered a jump from the decennial growth rate of 13.2 per cent in 1951 to 32.8 per cent in the census of 1961. This spectacular growth, compared to the corresponding figure of 21.5 per cent for India during the same period, is explained in terms of the influx of refugees and migrants from neighbouring states such as Bihar, Orissa and Uttar Pradesh to Calcutta and other industrial areas of the state. Official figures, usually regarded as underestimates, put the number of refugees up to July 1970 as being close to 4.2 million. The oncoming refugees added to the squalor and misery of a state that was already the most densely populated in India (Basu 1991). East Bengali refugees provided a reservoir of support for cadre-based left parties in West Bengal.

Partition contributed to the misery of West Bengal in other ways too. The decline of West Bengal's jute industry, caught in the vicious grip of worldwide decline because of the growth of substitutes, was hastened because jute could no longer be imported from East Pakistan. Nor could West Bengal count on the continuation of traditional supplies of rice and fish, the staple diet of her population, from the former East Bengal. To make matters worse, West Bengal was also cut off from her hinterland in India's North-East and Bengal north of the Ganges, which were no longer accessible by normal transportation and communication networks. Chronic labour unrest, exacerbated by the refugee resettlement problem, radical politics and unemployment, made matters worse for the economic climate.

Dominance (1947–67) and decline of the Congress Party

Partition opened up new room to manoeuvre for the Congress Party. It removed from competition the Muslim League, its main rival nationally as well as in the political arena of Bengal. The Communist challenge from below was in temporary disarray, owing to the Communists' collaboration with British rule during the war and the failed uprising in Telengana (1947–8), which affected the morale and standing of the party all over India. As the election campaign of 1951 came into full swing, the fractious West Bengal Congress, under the leadership of the charismatic Dr Bidhan Roy and Atulya Ghosh, the quintessential organisation man, won a resounding victory. In retrospect, Congress rule, which lasted for two decades, does not appear to have come to grips with the steady decline of the economy and infrastructure of welfare in West Bengal during that period. This contributed to the defeat of Congress in the general elections of February 1967, leading to the 'decade of chaos' (1967–77).

The Congress Party of West Bengal, even during the heyday of its post-independence prominence, was a loose coalition of interests kept in place

through patronage and short-term alliances. Once the left parties regrouped and, under a set of talented leaders, reclaimed their original support among urban industrial workers and office employees and peasants, the Congress Party started to decay. Muslim support, from which the Congress benefited, started dwindling as the younger leaders of the community moved to left-wing politics. The slow attrition was reinforced by the 1965 India–Pakistan war. Congress, in power in Delhi, was seen by many Muslims as anti-Pakistan, which caused older Muslim leaders to quit Congress in favour of the Bangla Congress, a regional party set up by Ajoy Mukherjee, a former Congressman. Finally, the development of the united front strategy brought parties opposed to the Congress together, with devastating effects on the fortunes of the Congress Party. The results of the 1967 election were the harbinger of the new trend, ushering in a period of opposition rule, governmental instability and political violence.

Food, a major issue in India's national politics in the 1960s, was portrayed by the parties opposed to Congress as the main signifier of Congress misrule. West Bengal's food crisis, though a chronic one, started accentuating from the mid-1960s. A scheme of rationing and cordoning was introduced by the Congress government. The opposition parties started protest movements which on several occasions erupted into lawlessness and violence. The Congress government retaliated by using force but merely succeeded in adding fuel to the fire of growing mass discontent, adroitly manipulated by the Communist Party of India (Marxist) (CPI(M)).[13] Prafulla Chandra Sen, the then Chief Minister, failed to assess adequately the magnitude of popular discontent. Several leaders from opposition parties were imprisoned. While incidents of lawlessness and violence were frequent, instead of trying to soothe the ruffled feelings of the common people the Chief Minister tried to cover up the government's failure on the food front through the classic ploy of describing the agitators as 'anti-social'. The decline of the Congress in the mid-1960s created a power vacuum within West Bengal that lasted until 1977, when the CPI(M) emerged as the new ruling party. The intervening period was a period of turmoil. Coalition instability and the relative ineffectiveness of the government combined with socio-economic conflict to yield civil disorder and political instability. In the 1960s, the political milieu in West Bengal changed markedly in favour of the Communists, who emerged as the only viable opposition to the Congress Party.

The first United Front government was formed in West Bengal on 2 March 1967. Ajoy Mukherjee, the leader of the Bangla Congress, became Chief Minister. The government survived for just over eight months before being dismissed by the Governor, Dharma Vira, a move that the left portrayed as blatantly partisan. The period that followed was marked by governmental instability, President's rule (imposed in February 1968), defections, demonstrations, institutional paralysis (in one incident the Speaker refused to preside over the assembly) and civil disorder.

Though the first United Front (UF) government fell within a short period of assuming office, it started a new trend in state politics. In 1969, all but one of its constituent parties united against Congress in the mid-term Assembly elections of February 1969. The contest demonstrated the increasingly bipolar nature of state politics. The UF won 214 seats as opposed to the 55 captured by Congress. The vote share of the United Front was 49.7 per cent and that of Congress 40.4 per cent. The discrepancy between the proportions of votes and seats showed the efficiency with which the Left Front was able both to mobilise voters and to transform votes to seats. But these were still early days by comparison with the dominance that the Left Front was to acquire subsequently. The Second United Front, which took office in March 1969, remained in power for a period of thirteen months before it collapsed under the pressure of intense infighting among member parties.

The political landscape of West Bengal went through a rapid sequence of changes beyond this point which saw unstable coalition governments of the left, Congress-led coalitions and President's rule until Congress's landslide victory in the assembly elections of 1972, which brought in Siddhartha Sankar Ray as Congress Chief Minister. Congress's electoral success in West Bengal, riding on the popularity of Indira Gandhi, consequent on India's spectacular victory in the 1971 Indo-Pakistan war, had little resonance with long-term political trends of West Bengal. In the event, the elections were followed by an outpouring of violence in towns, as well as in villages. The revolutionary class struggle led by the Naxalites became increasingly violent as police and radical Communists fought one another. Compounding the violence were internecine violence among various groups of Marxists, and protest and sympathy strikes by trade unions, students and office employees.

The results of the 1977 election, which ushered in a leftist government dominated by the CPM, marked a point of departure. The ideologically divergent parties within the United Front government were nearly as wary of each other as they were of the Congress. They spent considerable energy devising political strategies that could help transform their temporary hold on government into an expanded political base. The CPI(M) was the major force in that coalition government, especially after 1969. It defined its main task in government as 'expanding and strengthening worker and peasant alliance'. In practice, it used a two-pronged political strategy: neutralising the tendency of the state to be an agent of 'class repression' from above and using the party organisation to mobilise the lower classes from below. The CPI(M) repeatedly sought and eventually gained control over the ministries of labour, land and land revenue, and the home ministry (which controlled the police). An important aspect of the CPI(M)'s ruling strategy was to order the police not to interfere in conflicts involving peasants and workers. Thus, the CPI(M) neutralised the state apparatus as an agent of political order.

The paralysis of the police accentuated agrarian conflict, and conflict among factory workers and the management. The 'land-grab movement' led by the CPI(M)'s left flank, which eventually split and became a new radical organisation called the Communist Party of India (Marxist-Leninist) (CPI(M-L)) (commonly referred to as Naxalites, after Naxalbari, where the first peasant uprising under its leadership took place), under the charismatic Charu Majumdar, placed the CPI(M) leadership in a dilemma. On one hand, the CPI(M)-headed government was responsible for protecting people's basic constitutional rights, including the rights to life and property. On the other hand, however, the party was reluctant to use the agents of law and order, which its supporters viewed as state repression, against its own revolutionary cadres.[14]

Law and order became the common theme that ran through those recurring conflicts between the Naxalites and the various governments in West Bengal in the late 1960s. Coalition instability within the government had created such insecurity among the partners in the coalition that they tended to weigh any proposed governmental action primarily in terms of whether or not it would expand their respective social bases. That, in turn, led the CPI(M) to keep the forces of law and order on a tight leash. That same theme of the role of an ineffective state, or rather, a state deliberately made ineffective, ran through the other major agrarian conflict of the period, namely the land-grab movements initiated by the CPI(M). Hare Krishna Konar, the CPI(M)'s radical Land Minister, sought to identify and to redistribute all *benami* lands and to ensure the occupancy rights of sharecroppers. The most significant outcome of this movement was not any concrete realisation of the redistribution programme, but rather the political dynamics that it set in motion (Kohli 1990: 281).

Serious problems concerning food and labour began to surface in urban as well as rural West Bengal, giving rise to a spate of criminal self-help operations, often but not always led by the leftist cadres. Like the 'Naxalbari' movement in the rural areas, *gheraos* in the urban areas symbolised working-class militancy during the brief regime of the first United Front in West Bengal. *Gherao*, a brainchild of the Labour minister Subodh Banerjee, was the technique that the workers employed to get quick justice. The Marxists did not initiate the movement, nor did they disown it; what they did was to use the advantages of industrial dislocation to enlarge their hold on unionised workers. *Gheraos* brought about constant flux in inter-trade union relations, spilling over into other turf battles and generating political mayhem.

The recovery of order under Communist rule, following the massive mandate won by the Left Front in the assembly election of June 1977, is a salient example of poachers turning gamekeepers and adversaries engaging with one another as partners of political negotiations. The Left Front (LF), composed of a number of leftist parties and led by the CPI(M) won 230 seats in the elections held for 293 out of 294 seats in 1977. It gained

46.3 per cent of the votes polled, as against Congress (R), which secured 23.4 per cent of the votes and managed to retain only 20 seats. The Left Front has won every election since. Nossiter's main argument for the electoral success and hence the political longevity of the LF rings true, though a little frayed at the edges, even after its record twenty-seven years in office:

> [E]xcept in the industrial and metropolitan areas where trade union stagnation, industrial closures, bungling in health administration, transport, and municipal developmental works took their toll, the electorate of West Bengal clearly regards L.F. as a success: land and wages in the countryside, salaries for government employees; the disappearance of communal and caste clashes; freedom from the gangsterism which had been a nightmare during Congress rule; diminished corruption in politics and government and not to be underestimated in Jyoti Basu a man who represented Bengalis in a way no one on the Congress side could aspire to do.
>
> (1988: 195)

The price of orderly rule: a low-level equilibrium trap?

In many ways, West Bengal appears to be an ideal exemplar of our general model of governance (Figure 1.5). A left-democratic coalition undertakes strategic land reform to secure its base among the peasantry, and, with the orderly rule that this generates, wins over the urban professionals and guarantees the rural landholders protection from the landless in return for their political support. Identity is secured, for Muslims who are not threatened by Hindu nationalism or communal riots, and for the Bengali Hindu upper castes, accommodated in the inimitable mix of high Bengali culture and the neighbourhood *durgapuja* (Ruud 2003). This image of a homeostasis of culture, politics and society is questioned by some counterfactuals.

After over two decades of rule by the LF, results in terms of governance are mixed. Industrial closures have increased in number. Many important industries have closed, or relocated. West Bengal's average GNP per capita has not kept pace with the Indian average. Though a good number of primary health centres have been opened in the countryside, the quality of health administration does not stand out in all-India comparison. Public roadways have become worse. But the state remains remarkably free from communal and caste clashes. Government employees, thanks to the adoption of the 'National Pay Commission model' (Rudolph and Rudolph 1987) by the state government, get their salary increments without having to resort to strike action. If there are murmurings of protest within the party rank and file, none of this surfaces in elections, which the ruling coalition appears to win effortlessly.[15] The decade of chaos that marked the final years of Congress rule is fresh in the memory, and acts as a vital political asset for the left in Bengal. The Left

Front – in particular, the CPI(M) – remains secure in the countryside and in most urban areas.

The controversy generated by an order of the Calcutta High Court, imposing restrictions on rallies and processions in Kolkata, provides a valuable insight into the political culture and cross-party consensus on the nature of orderly rule that prevails in West Bengal.[16] The order was issued by Justice Amitava Lala, on a *suo motu* contempt notice against the Kolkata police, after he was caught for over one and a half hours in a traffic snarl-up on his way to work. In asserting that 'The Court can no longer be a silent spectator to the disorder and chaos in the city', the Judge was merely expressing the right to the freedom of movement, guaranteed by the Constitution of India as a common minimum denominator of governance. However, signifying the political culture and consensus that has developed in West Bengal over the past three decades, not only did the government of West Bengal take a strong position against the order, but with the exception of the Bharatiya Janata Party (BJP), an insignificant political force in West Bengal, all the major political formations quickly rallied around the CPM policy.

> The Central Committee of the Communist Party of India (Marxist), in a press statement issued soon after the Court order came out, has called it an infringement on the democratic rights of citizens. 'The fundamental rights to assemble and to express their views have been provided in the Constitution for all citizens. The authorities can provide for reasonable restrictions and regulations but there can be no outright ban on demonstrations and rallies. The Central Committee deplores this form of judicial intervention and asserts that the democratic rights of citizens cannot be curbed.'
>
> *Frontline*, October 24, 2003: 29

The homeostatic image of Marxist-dominated West Bengal is supported by the chorus of support for the position of the government against the judiciary by, among others, the Pradesh Congress president, Pranab Mukherjee, who saw the order against public rallies as infinging the constitutionally guaranteed right to the freedom of expression and participation. The Socialist Unity Centre of India (SUCI), often more radical than the CPM, offered 'to oppose this order, and if necessary, even break the law in doing so'. The state's Law Minister took the position that 'In a country where there is so much poverty and unemployment, such bans amount to silencing the voice of protest.'[17]

The large measure of elite agreement with the position of the LF government on permissible levels of protest in the public sphere and the extent of popular endorsement of its candidates in the general elections of 2004 indicate, at least for now, the extent to which it has achieved a hegemonic status in contemporary West Bengal.[18] But a long-term dynamic

equilibrium would require more than strategic reform aimed at redistribution. The difficult hurdle of the rationalisation of production, seen by unions as anti-labour, is one of the main challenges that lie ahead of the Left Front of West Bengal.

Bihar: the dynamics of stalemated class conflict

Politics in Bihar is suggestive of a paradox built into democracy and governance in India: how to sustain law and order when crime appears morally ambiguous, criminal self-help is lucrative and the lawbreaker is part of the machinery meant to uphold the law? With a remarkable convergence of quantitative indicators (Figure 4.3, where Bihar's disorder from the early 1960s is consistently above the national average) and qualitative perceptions (22 per cent of the cross-section report Bihar's law and order situation to have deteriorated over the past ten years as compared to 12.5 per cent for India as a whole (Table 2.4)), the state of law and order in Bihar comes across as appalling. To judge by reports in the media, if there were a book of records for 'democratically endorsed non-governance', then politics in contemporary Bihar must surely be a strong contender for this distinction. A recent editorial in the *Statesman* laments:

> For hundreds of victims of kidnapping in Patna – obviously for ransom – and for thousands who live in constant fear, there is one question: is there no way out of the nightmare? Crime has reached unprecedented levels. That the ruling Rashtriya Janata Dal is not in the least concerned about reining in the culprits is evident from the fact that it continues to provide political shelter to candidates who have everything from looting to extortion to murder against them in police records. One photograph said it all: Laloo Prasad Yadav with a notorious

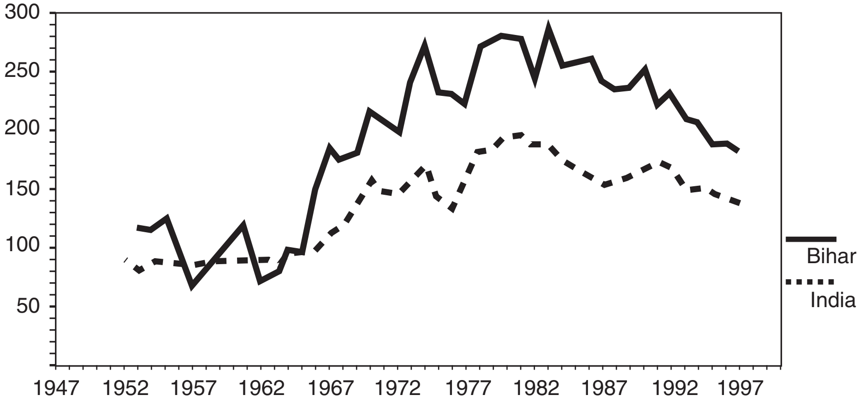

Figure 4.3 Governance in Bihar (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

> character, Mohammed Shahabuddin as he files nomination from Siwan. What is the message down the line? What is the crime kidnappers have committed? Is this why kidnapping incidents are recorded as minor offences so that no cases are started even after hostages have returned?[19]

The response of the cultural anthropologist (rather like Brass in *Theft of an Idol*, discussed earlier) would be to assert that there are no simple facts in politics. Criticisms in the media have not discouraged the Bihar electorate from returning the authors of Bihar's *jungle raj*, against whom criminal charges are pending in courts and who have been charged with corruption, to both the state assembly and the national Parliament with large majorities. The political context of Bihar and its stalemated class conflict provide some insights to this intriguing and apparently inexplicable phenomenon.

Factions, party fragmentation and the decline of a legacy

The communal riots that broke out in Bengal on the eve of Partition affected Bihar as well, but the reaction of the Congress government of Bihar was very different from that of the Unionist government of Punjab and the Krishak Mazdoor Praja Party government in Bengal. Bihar was caught in the rebound once news was heard of the grisly events of the Calcutta, Noakhali and other riots, multiplied manyfold by rumours that travelled up-country to UP and Bihar. The victims included 20,000 Muslims (Anita Inder Singh 1987: 200). The reaction of the Bihar government was firm and in many ways exemplary. The British were appreciative of the efforts to keep order. 'Dow testified that the ministry "were ... insistent during the early days of the rioting that the military should shoot to kill larger numbers of the mobs, which generally dispersed, however great their number, as soon as firing was resorted to"' (Dow to Wavell, 22/23 November 1946, quoted by Anita Inder Singh 1987: 198). Canny administrator that he was, Dow was able to appreciate the efforts of the Congress ministry to gain a few credit points by protecting law and order, despite the actions of the Muslim League-inspired demonstrations and processions, which were 'ghoulish enough to dig up the bones and skulls of buried victims and strew them in my path in order to demonstrate the callous neglect of my ministry' (Dow to Colville, 10/11 December, quoted by Anita Inder Singh 1987: 199).

Congress's anxiety to establish its 'secular' credentials is understandable, for Bihar was a showcase for the Congress politicians in Delhi, a test case for their national politics. Just as Champaran had put Gandhi's reputation on a firm footing nationally, Bihari Congressmen were keen to draw political capital from their performance.

The veneer of orderly rule that carried over to the government of Bihar

in the early years after independence, eliciting high praise from Appleby, is a far cry from the contemporary state of governance in Bihar. The comments of Arvind Das,[20] one of Bihar's best-known journalists, find an echo in Bela Bhatia's narrative of the murder of two social workers in a Bhiar village:

> The violent attempt to throttle the truth continues in Gaya district of Bihar. First, Satyendra Dubey, an Indian Institute of Technology-trained engineer, was killed on November 27 last year when he tried to expose corruption in the multi-crore Golden Quadrilateral project. Even as the Central Bureau of Investigation (CBI) was investigating the case came the daring double murder of social activists Sarita and Mahesh on January 24. They were shot by unidentified assailants at Shabdo village in Fatehpur block of South Gaya. Members of the Institute for Research and Action (IRA), they had been doing development work in the villages of Fatehpur block, for the last four years.[21]

Bhatia's narration of the incident shows in graphic detail how a textbook case of 'good governance' came to a violent end. The Institute for Research and Action, a perfectly legal social service organisation, registered under the Societies Registration Act in 2000, was engaged in developing the *ahar-pynes*, a traditional rainwater harvesting system, and an experiment in collective farming in Shabdo village. Reviving the rainwater harvesting system involved the repair of old irrigation ditches, undertaken by village committees created for the purpose, in collaboration with the District Rural Development Agency (DRDA), the Zilla Parishad and the voluntary participation of thousands of villagers. The next monsoon filled in the ditches with rainwater and encouraged the organisers to develop Shabdo village as a model and undertake 'integrated development': the formation of village committees, cooperative farming, animal husbandry and fisheries; the achieving of total literacy; prohibition; developing the infrastructure; and 'spread[ing] awareness and discipline in the community, including among children'. Bhatia continues:

> Development work in Bihar often gets enmeshed with local politics and Sarita and Mahesh's work was no exception. Speculation is rife regarding the identity and motivations of the killers. A criminal–politician–police–administration nexus is also talked about as a possible reason for the murders, on the basis of a few recent incidents.

Bhatia's conclusion points in the direction of a deeper problem of governance in this state of intense politicisation and stalemated class conflict where a paralysed state apparatus is locked in inconclusive battle against violent, fragmented criminal gangs and radical activists.

> The recent events in Fatehpur are a chilling reminder of how unsafe social activist are in rural Bihar, even when they are engaged in constructive development work. It is virtually impossible to work in these areas without rubbing some powerful interests the wrong way, with potentially fatal consequences. Sarita, Mahesh and Satyendra Dubey, even in death, have raised crucial questions about two important aspects of the present state of governance – corruption and criminalisation of politics. The way these questions will be resolved will determine the future of democracy in Bihar.[22]

The steady decline of governance in Bihar points in the direction of a structural pattern where violence has become an extreme form of politics of each against all. In this atmosphere of anomic violence, localised, caste-based identities and short-term alliances have become the most effective modes of political action. Since the cohesion of local society and the institutionalisation of a sense of regional identity are crucial parameters of our model of governance, a brief examination of the intermeshing of society and politics is crucial to our understanding of governance in Bihar.

Caste and identity formation in a fragmented society

In contrast to the post-Partition history of regional state formation in Punjab and West Bengal, where politics was deeply marked by the influx of refugees, post-independence Bihar was not a new political arena. Hence, no dominant theme of identity, corresponding to an expanding thin regional identity, emerged in Bihar's politics at the outset. Instead, old loyalties and a conglomerate of thick identities based on local *jati*, or religion in the case of Muslims, and tribal networks for a substantial part of the population became the dominant mode of political organisation, working in parallel with modern institutions such as parties, unions and the ubiquitous bureaucracy. Rapid politicisation and the imperfect fit of status and occupation under the disequilibrating forces of political mobilisation (Frankel 1989) tended to loosen the bonds of *jajmani*-based social solidarity and facilitated resort to criminal self-help.

In parts of India where states have emerged out of a pre-existing cultural identity (Punjab, West Bengal, Tamil Nadu) or have been carved out of multi-ethnic units (Maharashtra, Gujarat), a nascent sense of regional identity, cultural institutions and networks has spread over the landscape of politics. In comparison, Bihar is different. Its dominant Hindi–Hindu ethos and its continuity with the past make it culturally indistinguishable from the great north Indian plain in which it is located. The urge to form an identity thus leads downwards to the fragmented caste, and short-term political coalitions.

Bihar's caste system is characterised by extreme subdivision within the Hindu *varna* scheme.[23] The urge to define one's identity locally finds a hos-

pitable home in the fragmented and encapsulated character of the social system of Bihar. It conveys the contradictory legacies of both orthodoxy and heterodoxy, the former based on rigid rituals of caste–occupation linkage and the latter on protest movements against this in the form of Buddhism and Jainism, and, subsequently, conversion to Islam. Bihar was the centre of the unorthodox sects of Buddhism and Jainism as well as the home of extreme Hindu orthodoxy, which had survived many invasions because of the strength of the caste system. The community was dominated by Brahmins, Bhumihar Brahmins, Rajputs and, to a lesser extent, Kayasthas. This dominance rested not only on traditional social precedence, but also on their control of land and administrative and professional positions. It was not greatly affected by changes introduced by the British, and these castes still maintained their prominent position in the caste hierarchy. An interesting observation about this is the numerical weakness of upper castes vis-à-vis the lower castes. However, this numerical weakness is largely compensated by greater ritual status, economic power, and modern skill and knowledge. Land ownership was concentrated in upper castes, and lower castes comprised mostly tenants or agricultural workers. Of the other Hindu castes, the Kayasthas are the most influential. Of the other castes, the most prominent are the two agricultural castes, the Kurmis and the Ahirs, who constitute two of the largest caste clusters of Bihar.

With the introduction of limited franchise under colonial rule, caste became instrumental for political mobilisation, mainly owing to the absence of a well-developed political infrastructure of secondary groups. The primary caste groups emerged as the principal contenders for power and benefits, turning themselves into support structures of competing factions. Politicians, in their bid to mobilise support, tactically sought to exploit the rivalry between as well as within caste groups. Political competition, reinforced by cross-cutting caste and class relations, contributed to the proliferation of groups and, simultaneously, to the construction of pan-regional communities. With avenues for their upward social mobility limited within the structure of a stagnant economy, the lower castes found a novel opportunity for status mobility in politics, and aggressively emulated upper castes in the instrumental use of caste consciousness and identities for political purposes.

By the 1930s, three politically distinct caste groups, namely, the Kayasthas, Bhumihars and Rajputs, had emerged in Bihar Congress. Bhumihars, more wealthy and numerous than the Kayasthas, challenged the Kayastha dominance in the Congress. This resulted in an alliance of the Kayasthas with the Rajputs, who, by the provincial elections of 1937, were being challenged by a Bhumihar-led faction. The advent of independence quickened the pace of competitive political mobilisation. This led to the emergence of new parties such as the Socialist Party, Kisan Mazdoor Praja Party (KMPP), Jan Sangh and two regional parties in Bihar, namely the

Jharkhand Party under Jaipal Singh and the Janata Party under the Raja of Ramgarh, though Congress remained the dominant party. The first decade after independence witnessed the abolition of zamindari in Bihar, factional feuds in the ruling party, firing on agitating students, judicial inquiry and the expansion of educational facilities among various other welfare measures, but the dominance of the regional Congress Party and its tutelage to the centre kept a tight lid on these challenges to governance. In consequence, a pattern set in where the short-term alliance of Bihari elite caste leaders produced governmental instability, which spread upwards to Delhi as well as downwards, going down the social hierarchy in search of support and new political resources. The factional competition spread to the policy debate, particularly regarding land reform. Governmental instability generated by factional competition stalemated new policy initiatives and slowed down implementation.

Failed land reforms and the unfolding of Bihar's crisis of governance

Land in this largely agricultural state is the most important means of production and, as such, welfare, and the ownership of land, both agricultural and homestead, is also the crucial building block of identity and security. The availability of land records, indispensable as evidence of the control of land, is crucial to governance. The chequered history of land reforms provides some insights into why this is the case in Bihar, unlike in West Bengal.

The Bhumihar faction, consisting of small and tenant farmers, reckoned it would profit from the abolition of the zamindari system. However, the Rajput–Kayastha faction opposed the move and took resort to delaying tactics, challenging the bill on procedural grounds. Still, the State Acquisition of Zamindaris Bill 1947 was introduced and referred to a Select Committee, which submitted its report to the assembly on 28 February 1948. The zamindar members of the Committee submitted a note of dissent. The name of the bill was changed to the Bihar Abolition of Zamindaris Bill 1947, major recommendations of the Select Committee were incorporated and, after it had been passed by both the houses of the state legislature, it was sent for the assent of the Governor General. However, after discussions between centre and the state, the bill was referred back to the state legislature with recommendations for amendments, which were adopted by both the houses. The Governor General gave his assent on 6 June 1949 and it was published as the Bihar Abolition of Zamindaris Act 1948.

The validity of this Act was challenged in the Supreme Court by the Maharaja of Darbhanga and other zamindars. Subsequently, this Act was repealed and the more comprehensive Bihar Land Reforms Bill 1949 was introduced in the state legislature, which covered zamindari abolition and the plan for land reforms. This bill received the President's assent on 11

December 1950 and was published as the Bihar Land Reforms Act 1950. This Act was also challenged in the Patna High Court and was declared *ultra vires* under article 14 of the Indian Constitution on the question of payments of compensation. This necessitated the Constitution (First Amendment) Act 1950, and the Supreme Court upheld the validity of the Act in 1952. All this gave the zamindars five crucial years for the manipulation of records. The implementation of the Act faced various problems mainly arising out of the lack of authentic and intelligible records and lack of an administrative machinery to handle the management of reform. Four years later, the government passed the Bihar Land Reforms (Amendment) Act 1954, which required the government to issue a public proclamation that the estates had been vested in the state and the collector was to punish the zamindars and tenure holders if they failed to submit the records. The Bihar Consolidation of Holdings and Prevention of Fragmentation Act and Bihar Agricultural Land Ceiling and Management Act were passed in 1956, by which the government fixed a ceiling on the ownership of land, 30 acres (12 hectares) for the plains and 50 acres (20 hectares) for the hilly areas. The financial implications of zamindari abolition for government were tremendous on account of lower than estimated revenue collection from acquired zamindaris, expenses in terms of maintaining government machinery and payment of compensation. Thus, there has been plenty of legislation but little implementation on the ground, spreading cynicism, corruption and a tendency to self-help as the last resort, on the part of both those who won land and others who contest their authority. This is a continuous source of intermittent challenges to governance.

For the first two decades, the level of governance kept pace with that of India as a whole. The faction-ridden Bihar Congress and the musical-chair gyrations of its ministries functioned under the watchful eyes of the central high command, who drew their own power from factional infighting in the state and made sure, in return, to keep the pot boiling but not let it boil over in terms of overt conflict. Subsequently, when Bihar politics became delinked from Delhi, its record on governance broke off from the national trend, staying consistently below the level for the country as a whole. Rapid politicisation and fragility of the institutional structure produced an atmosphere in which small crises could get out of hand.[24] Over the next decade, politicisation spread across public institutions, where caste and political affiliation became an important consideration in recruitment. Factional feuds, which in subsequent decades would be reinforced by armed bands, steadily lowered the level of governance.

During the two decades after independence, the Congress Party, locked in factional feuds, had steadily lost support, though it managed to hold on to government. This changed in the election of 1967, which transformed the political landscape. The impending crisis had already announced itself in 1963 when Binodanand Jha, the Brahmin Chief Minister who had

actually restored the zamindari rights of the Tatas in Jamshedpur, had to resign under the Kamraj plan in October 1963. The Kayastha leader, K.B. Sahay, was elected leader and formed an administration on 2 October 1963. To consolidate his rule, K.B. Sahay tried to organise numerically large backward castes: the Ahirs, Koeris and Kurmis. Along with his backward caste ally Ram Lakhan Singh Yadav, he demanded a large number of nominations for members of backward castes on the basis of the argument that they were under-represented in the party. But his own ally S.N. Sinha opposed this challenge to the upper-caste dominance and joined the rival M.P. Sinha–Jha group. Thus, the upper-caste factions, in order to seek and mobilise additional support base from the numerically strong backward and lower castes, indirectly promoted them by raising their status.

The atmosphere of political uncertainty and general lawlessness had already made its presence felt as early as 1960, when the Joint Council of the Central Government employees had put out a call for an all-India strike, despite a ban by the government. The decade 1967–77 saw the end of Congress rule in Bihar, formation of the first coalition government, and imposition of President's rule three times and rapid change of administrations. The period was marked by short-term alliances lacking cohesion, with coalition partners playing a game of political musical chairs. But whereas in West Bengal the CPM-led Left Front emerged from the detritus of the decline of the Congress system and took charge of the management of governance, no similar development took place in Bihar. With its close ties to the high politics of Delhi, governance in Bihar, endogenously unsustainable at the best of times, went into a state of animated suspension from which it is yet to recover.

This was the turning point for Bihar. Continuous manipulations, corruption, factional infighting, a deteriorating economic situation, devastating floods in 1971, a teachers' strike, labour unrest, and a prolonged railway strike and its implications contributed to general discontent. Political strife in Bihar became further intensified when opposition to the Congress government of Bihar was reinforced by general opposition to the policies of the central government led by Indira Gandhi. Bihar Chhatra Sangarsh Samiti, formed in February 1974, requested Jayprakash Narayan to lead the movement. Students demanded the resignation of the Abdul Ghafoor administration and dissolution of the assembly. The situation became so serious that the army had to be called in to help the civil administration. L.N. Mishra, the Central Minister, was killed in a bomb blast at Samastipur in January 1975. After defeating Congress in the March 1977 Lok Sabha (lower house) elections, the Janata Party government at the centre dismissed the Bihar government in May 1977. In the assembly elections in May 1977, the Janata Party secured 214 seats on an anti-Congress wave, while Congress could get only 57 seats. The election campaign was marked by ballot rigging and booth capturing by armed gangs, and alleged

complicity of the police and bureaucracy with lawless behaviour. Karpoori Thakur formed an administration and went ahead with fulfilling the election promise of job reservations for backward castes, and undertook to implement the recommendations of Backward Classes Commission of 1955. However, upper-caste members of the Thakur cabinet opposed these measures and wanted a fresh examination of the issue on the basis of economic considerations as Ahirs, Koeris and Kurmis had progressed financially. This step led to polarisation of backward castes and upper castes. The implementation of reservations resulted in violent riots and agitations by upper-caste youth.

The condition of scheduled castes worsened as a large number of rich peasants belonging to backward castes, who had been tenants of upper-caste zamindars, clashed with scheduled castes. A well-publicised atrocity against Dalits took place in Belchchi in Nalanda District in May 1977 in which eight Harijans and three others were killed. This led to an alignment to the upper-caste members and Harijan members of the state assembly to vote Karpoori Thakur out of power in April 1979. The political atmosphere of this period was signified by the infamous Bhagalpur blinding case.[25]

With the return of Congress in the 1980 Lok Sabha elections, there was a reversal of fortunes similar to that of 1977. The government of Bihar was dismissed and President's rule was imposed. In the assembly elections in June 1980, as the Janata Party had already divided into four groups and their votes were split, the Congress emerged victorious and formed the government, with Jagannath Mishra as its leader. Mishra's tenure witnessed intense rivalry between upper castes and backward castes, factional fights, corruption and communal riots at Biharsharif in 1981. Political competition between castes acquired a sharper edge with the development of armed bands and protection rackets. The fractious Congress Party in Bihar, with little scope of external mediation from the central leadership as in the heyday of Congress rule, was in no position to manage law and order and check the mafia gangs, Maoist violence and bureaucratic corruption.

The assembly elections of 1990, in which Janata Dal emerged victorious under the leadership of Laloo Prasad Yadav, became a watershed with regard to governmental instability in Bihar. One of the first administrative measures of his government was to take firm steps to control the communal situation and to hold the police and civil administration personally accountable for communal harmony. It halted Advani's Rath Yatra, and, after the demolition of the Babri Masjid, dealt with Hindu activists firmly. All these actions became the basis of a firm alliance among backward classes, Harijans and Muslims. The subsequent politics of Laloo was controversial for many but obviously saleable in Bihar. His self-promotion through deft manipulation of the media and conspicuous largesse handed over to the Ahir community was notable. Signifying his great capacity to

bend the rules, Laloo was able to run the administration from prison, and install his wife formally as Chief Minister when he was sent to jail on charges of corruption.

The Naxalite movement and stalemated class conflict

The long-standing battle between Naxalite groups and the police in which neither side manages to get the decisive upper hand is a special feature of politics in Bihar. Bihar's botched land reforms and stagnant economy, which offers few alternatives, and the immiserisation of share croppers have contributed to the radicalisation of the peasantry and bred a culture of criminal self-help among peasants, landowners and the police.

The ingenuity of Naxalites in snapping the links of fear that ultimately account for rule obedience suggest a rich seam of empirical data. Present in the public sphere from 1967, the Naxalites have discovered methods of political action as they have continued their struggle. From September 1968, the party workers indulged in overt acts of violence, particularly the killing of policemen. Forced harvesting of the paddy of rich peasants, or looting of paddy already harvested, shows of force through armed processions marching through the village, surprise attacks on the police and intelligence personnel and their 'agents' – these are some of the tactics they have used to generate support for themselves in the countryside. In urban areas, rampaging through schools and colleges, disfiguring of statues of national leaders and disruption of examinations have been attempted. A campaign of annihilation of 'class enemies', and snatching of rifles from armed police pickets, useful symbolically as well as a means of acquiring firearms, were reported as early as 1970.

To meet the challenge at both overt and covert levels, the government created a Special Task Force in the Special Branch of the Bihar police and posted a Deputy Inspector General on special duty in the Criminal Investigation Department, to oversee and coordinate the anti-Naxalite operations and ensure prompt and thorough investigation of cases registered. But the security situation in Bihar does not give rise to the same concern as that in Punjab; and in consequence, the central security forces are not available to the government for Bihar to impose orderly rule.

From 1972 to 1975, the Naxalites succeeded in drawing the Harijans and other landless people back within their fold by taking up their demand for better wages. There were clashes between Naxalite groups and landowners in selected pockets of Patna and Bhojpur districts, and attacks on police pickets to grab arms and demoralise the police. It was observed that criminals also joined the Naxalites at several places to grind their own axe under the garb of Naxalism. With the declaration of the Emergency in June 1975, most activists were either in jail or on the run. But after 1977, the ban on the CPI(ML) was withdrawn and its leaders released. The sharp increase in extremist violence reached its climax during 1979. Tactics

had changed since 1980, and major groups have been operating in different parts of the state. They have formed the Bihar Pradesh Kishan Sabha (Bihar Peasant Front) and supported the cause of the poor Kisans and Khet Mazdoors by organising public meetings, rallies, demonstrations and processions. The Sabha encouraged the Kisans to stop working for the rich farmers. The Sabha also held a 'people's court' for punishing the defaulters.

Naxalite violence in Bihar is directed against the police, selected targets among the landed farmers and even the poor landless who suffer from the fallout of gang warfare between rival extremist groups. The emergence of private armies or *senas* in the 1980s was a defence mechanism in response to the escalating left extremist violence. Most of these were caste based.[26]

Under the rule of Laloo Prasad Yadav in his many incarnations, the law and order situation has deteriorated over the years: criminals enjoy the protection of the authorities, and, by the political equivalent of Gresham's law, all the political parties have acquired people with criminal backgrounds. The police and civil administration feel handicapped in dealing with them. Even they are not immune to attacks by criminal gangs. However, though not in as effective and consistent a manner as the Left Front government of West Bengal, the coalition in Bihar led by the Rastriya Janata Party has certainly found an ideological focus to justify its power. Its most conspicuous success consists in bringing the level of riots down from 214.3 in the 1980s to 153.9 per million in the 1990s (Table 2.7). In the 2004 general elections, as the press reports, the campaign focus of the National Democratic Alliance (NDA) to dismiss the

> Yadavised State government after the Lok Sabha polls was counter-productive.... The majority of the State's population has now affirmed that the 'social dignity' that the RJD [Rastriya Janata Dal] government provide it is more important to it than development in terms of *bijli, sarak aur paani* [power, roads and water].[27]

Even as the case of Bihar serves to show the hiatus between exogenously defined good governance and the logic of governance endogenous to a system, one should still note the contrast between West Bengal, where the Left Front has a firm grip over all the levers of power, and Bihar, in which continued rule in the regional arena has not found institutional expression at the level of violence in the districts and localities.

Tamil Nadu: charisma, corruption and Tamil nationalism

At first glance, politics in Tamil Nadu, with its extravagant gestures and political frenzy,[28] the eccentricities of its star leaders and the devotional excesses of some of their followers,[29] the compulsive adornment of Tamil symbols, conspicuous corruption and the inflow of cross-national conflict

into the interstices of the domestic political process, looks qualitatively different from other regional narratives. Even in Tamil Nadu itself, when compared to politics of the region during the years after independence, the drift of contemporary politics looks quite different. It is true that great Tamil leaders of the past such as Rajaji and Kamraj Nadar also had quirky sides to their political personalities. But wrapped as they were in the homespun politics of the Congress organisation, and being national figures in addition to being present on the home front, Rajaji's quaint ideas about caste-based education or Kamraj Nadar's inability to speak any language other than Tamil did not make them remarkable. The Tamil Nadu of Jaylalitha is a study in contrast. The new context of Tamil politics, driven by attention-seeking politicians, attention-enhancing technologies of mass communication and symbolic gestures as a substitute for strategic reform, gives contemporary politics in Tamil Nadu its peculiar élan. While political discourse in Punjab, West Bengal and Bihar also has undertones of charisma, politics in Tamil Nadu is primarily focused on the person of the leader, not in any way fettered by party, faction or even a caste network.

The price of freedom from constraints for the wielder of power is paid in terms of the absence of firm linkages with specific social segments. One consequence, as one can see from the analytical narrative of Tamil Nadu, is the great instability of electoral support and, more pertinently, of governance. The level of murder and riots (Figure 2.3 and Tables 2.6 and 2.7) shot up steeply in the late 1970s following the end of the Emergency, and has stayed above the national average for most of the period of study. Popular perception of the deterioration of law and order over the past ten years in Tamil Nadu, which is above the national average (Table 2.4), corroborates the statistical data (Figure 4.4). The analytical narrative

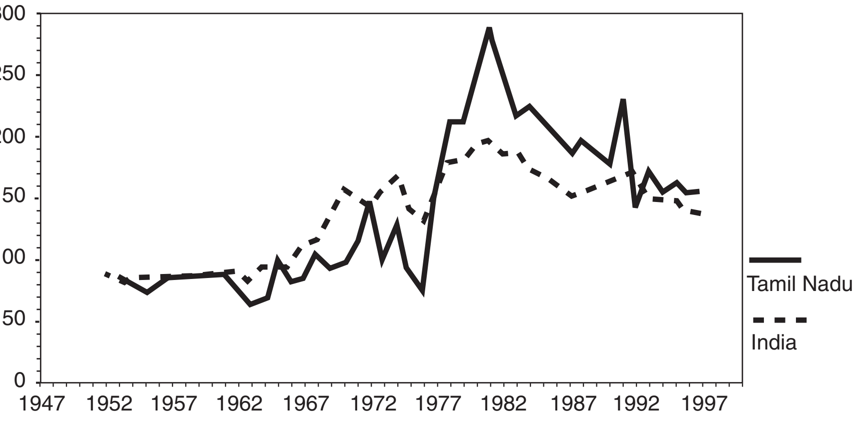

Figure 4.4 Governance in Tamil Nadu (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

recounts the story of the transformation of the context of a Congress-dominated regional political environment during the early years after independence to one that gradually came under the political spell of Tamil nationalism, and its eventual failure to complement ideological hegemony with a network of party and secondary organisations on the pattern of West Bengal.

Identity and homeland: from Congress rule to Tamil nationalism

Though Madras, like Bombay, Calcutta, Delhi, Lahore and the other metropolises of British India, received its obligatory visits from national leaders, politics south of the Vindhyas had already developed a different rhythm from that of north India by the 1930s. National politics of the North and the South were, however, linked in the form of some leading personalities, prominent among them Chakravarti Rajagopalachari, a towering national leader of the Congress Party, and an eccentric Brahmin with quaint ideas not always popular among his Tamil compatriots. Facilitating his bridge building was the Indian National Congress, the quintessential party of accommodation and consensus, which functioned in a manner that made the differences between regional concerns and national priorities appear more like a matter of routine than an issue and, as such, not of great consequence.

Rajagopalachari's leadership, before and after independence, gave a semblance of continuity to politics in Madras. All the same, there were deep differences between the broad, inclusive Indian nationalism that the Congress Party presented as its hallmark but which, as many in the South suspected, concealed an undercurrent of Hindi chauvinism biding its time; and the potent force of Tamil nationalism, a cultural force waiting for its political articulation. This potential conflict kept simmering all through the first two decades after independence and came to a head in the language riots of 1965. Tamil politics was never to be the same again. The events that followed saw the rise to power of the politically amateur Tamil activists. In remarkable continuity, however, the new regime that was constituted, while drawing on an ideology diametrically opposite to that of the 1947–67 period, smoothly shifted gear once in power, and started, surreptitiously, to resemble its Congress predecessor in terms of rule based on consensus, compromise, accommodation and power sharing, achieving, in the process, a renewed sense of governance. The puzzling issue, which the last section of the narrative addresses, is why the post-1977 period, still under the rule of a Tamil party, led to governance of such a remarkably different order. The explanation, following Pandian (1987, 1992, 1996), Swami (1996) and Widlund (2000), is to be found in the transformation of movement to party, in the course of which sycophancy, populism and short-term interest calculations took the place of the appeal of ideas linked to a specific social network. Tamil nationalism, having finally

achieved power, looked for an institutional base but, unlike the Communist movement in West Bengal, did not succeed in finding an enduring organisation capable of reinventing itself with the passage of generations.

The Congress Party, framed by an array of active opposition parties, prominent among them the Dravida Kazhagam (DK), Dravida Munnetra Kazhagam (DMK), the Communist Party, the Socialists and the Swatantra Party, formed the core of a one-dominant-party system during the early years after independence. Neither the DMK nor the DK, both of which based their popular campaign on their advocacy of Dravidistan, a territorial state for the Dravida communities,[30] contested the 1952 elections, though both declared that they would support any party that shared their demand for a homeland for Tamil nationalism. Though the 1952 general elections kept the Congress Party in power, the regional parties, as effective opposition, and advocates of Tamil nationalism, gained prominence for the first time. In addition, they engaged in a series of agitations to resist 'northern imperialism'. The DK concentrated its attack on the Indian Constitution and the national flag as symbols of 'Aryan oppression'. They also attacked Hindu relics and images, directed particularly against the Brahmin community. These agitations always had a violent touch to them (Hardgrave 1965: 40–3).

The first major agitation launched by the DMK was 'the three-corner agitation' in 1953 with three important objectives, namely, to protest against C. Rajagopalachari's caste-based education system,[31] to rename Trichy as Kallakudi, its original Tamil name, and to dramatise indignation over the derogatory remarks of Nehru about the DMK (Ross Barnett 1976: 80). The ruling Congress government responded to the three-corner agitation with great force. The leading figures of Tamil nationalism, C.N. Annadurai, E.V.K. Sampath, Nedunchezhian and Mathialagan, were jailed under the Preventive Detention Act. The leaderless DMK activists carried on agitating anyway, leading to the death of nine demonstrators, several serious injuries and the incarceration of 6,000 demonstrators. The agitation and its aftermath produced intra-party divisions in the Congress Party, especially regarding Rajaji's educational system. Rajaji resigned in 1954 and was replaced by Kamaraj Nadar.

Kamaraj was the first Chief Minister from a backward caste community. Neither well educated nor fluent in English or Hindi, he represented

> the growing trend in the state politics and the ability of the political broker able to operate effectively at the local level within the structures of village factionalism, caste and communal identification and at the same time function within the essentially modern political context of parliamentary democracy.
>
> (Hardgrave 1965: 44)

In style, substance, idiom and social origin, Kamaraj was a stark contrast to Chakravarti Rajgopalachari, his predecessor. Despite his humble

peasant origin, he developed the skill of accommodating traditional loyalties within the ethos of Tamil ethnicity, the primordial sentiments of caste and Tamil patriotism. He also effectively drew his political alliances with the regional caste based parties such as the Tamil Nadu Toilers' and the Commonweal parties. Activists like E.V. Ramaswami Naicker[32] hailed the fact that Kamaraj had no Brahmins in his administration and insisted that he supported the Kamaraj-'brand' Congress only, leaving, for the time, the DMK as the sole supporter of the Dravidian movement.

Thus, in many ways the formation of the Kamaraj Congress government was a turning point and marked a major change within the Dravidian movement. Subsequently, the exclusive Tamilisation[33] of the Kamaraj administration left the DMK with not much Tamil nationalism to display during the campaign for the 1957 general elections, which Congress won handsomely. The electoral success of Congress was the result of Kamaraj's strategic identification of Congress with the Tamil ethos. The DMK established itself as the strongest opposition, with 15 seats in the assembly and 14.6 per cent of votes polled in its favour. It won 2 seats in the Lok Sabha polls as well. The transformation of movement to party had begun.

The Congress victory was a visible testimony to the organisational acumen and regional vision of Kamaraj. He developed a broad base of support, mustered the votes of the scheduled castes through the *pannaiyal* system,[34] and managed to retain the support of Brahmin as well as non-Brahmin elites, and landlords. The importance he attached to the Tamil ethos earned the Congress Party support from areas where the latter's 'Self Respect Movement'[35] was popular. Kamaraj's strategic pacts with both the Commonweal and the Tamil Nadu Toilers' Party also facilitated seat adjustments. The electoral performance of the Tamil groups, caught in the transition from movement to party, was correspondingly weaker, and further undermined by internecine competition.

The next political event of great significance was the 1962 general election. The campaign had already begun with the 1960 anti-Hindi agitation, which proved an effective propaganda event for the DMK. It started as a reaction against the Government of India directive to make Hindi the official language of the state administration by 1965. The DMK resolved in a working committee meeting that if the Union government failed to withdraw it before 30 September 1960, it would begin an agitation, and threatened to hold a black flag demonstration during the planned state visit by the President of India. However, when they received an assurance by the Prime Minister that Hindi would not be imposed, the DMK announced victory and organised a victory meeting on the Madras Marina Beach, a conventional venue for major political events.[36] Though Congress was once again elected to the assembly with a majority, the DMK, with its 50 assembly seats and 7 Lok Sabha seats, established its status as a formidable opposition, a performance that made clear the growing strength of the party.

The apparently inexorable rise of Tamil nationalism went in parallel with the slow decline of Congress, hastened by the birth of the Swatantra Party in 1959, with the major aim of highlighting the failures of Congress. It cut into the support of the Congress Party in the upper social strata, mainly among the Brahmins and the more affluent non-Brahmins. Under the able leadership of Rajaji, it worked out successful electoral pacts with the DMK in a few constituencies. The other factor that affected the Congress performance was the revival of the Muslim League in 1960. The Swatantra Party and the Muslim League later became a part of the non-Congress electoral alliance put together by the DMK in the 1967 elections. In the meantime, in addition to appearing electable, the DMK moved closer to becoming a legitimate part of the political system. A notable event after the 1962 election was the Sixteenth Amendment to the Indian Constitution. Following the Indo-Chinese border war of 1962, article 19 of the Constitution was amended in 1963 to enable Parliament to restrict the freedom of expression to question the sovereignty or integrity of the Union of India. By 1964, the DMK, which had up to that point supported the campaign for a Dravidian homeland, officially dropped the idea of Dravidistan. Instead, it shifted the focus away from an exclusive homeland to cultural nationalism, based on language.

The opportunity to test its resolve came on 26 January 1965, the date when Hindi was scheduled to replace English as the official language. The DMK activists had planned to observe it as a day of mourning. The Congress government, as a precautionary measure, placed most of the DMK leaders under preventive detention from the early hours of the day. The day was marked by vigorous protest and several deaths caused by police firing, self-immolation and arrests. The total damage was assessed at Rs 10,000,000. Marguerite Ross Barnett comments:

> [P]opular reaction . . . was one of deep shock and surprise. The southern stereotype of passivity and acquiescence was shattered. This stereotype . . . is simplistic and may have led to dangerous miscalculations. Although most northern political leaders were sophisticated about the emotional potential of the language issue, the profound sense of injustice felt by Madrasis was not appreciated. Along with the emotional issue there were also material issues: choice of official language is linked to examinations for government jobs, and English was considered, the language of opportunity.
>
> (1976: 133)

The repercussions were felt in the central government as well, for two Tamil members of the central cabinet, C. Subramaniam and D.V. Alagesan, resigned. Later, Prime Minister Shastri reaffirmed Nehru's 1958 promise not to impose Hindi on non-Hindi-speaking people.[37] The Congress government, seen as responsible for the 'language crisis', paid dearly

in the 1967 elections that followed. It was a turning point in the politics of Tamil Nadu. The DMK won 138 seats and Congress won 49. Other parties that entered into electoral arrangements with the DMK did well too, paving the way for the first non-Congress government of Tamil Nadu.

Tamil nationalism in power

In bowing out of power, Congress left behind a legacy of steady economic growth at a level higher than that of the country as a whole, recognition of the special needs of the backward classes and scheduled castes, and the surreptitious accommodation of Tamil identity into the public sphere. The DMK government that followed built on this legacy, replacing the one-party Congress dominance with a two-party system in Tamil Nadu.

The DMK took office in February 1967 with C.N. Annadurai as the Chief Minister. Its first test in governance came soon enough when the government was called upon to maintain law and order in the face of the repercussions of an amendment bill presented to the national Parliament on 27 November 1967, intended to amend the Official Language Act of 1963 but actually meant to give a legal status to the promise of Nehru not to impose Hindi on the southern states.[38] The opponents of the bill in north India organised the Angrezi Hatao movement, which aimed at removing every trace of English from the public sphere. Mobs attacked English sign boards, and public property bearing English names. In response to these anti-English demonstrations, mobs in Madras attacked shops owned by Hindi-speaking north Indians and, mainly, property belonging to the Union government.

Law and order was a sensitive issue, as the DMK was voted in as a party of the people and, more specifically, of the students. The students of Tamil Nadu proved to be the most riotous section of the Tamil population and now it was the DMK's turn to deal with them. The Tamil Nadu students' anti-Hindi Agitation Council, which represented the state, split into several factions. The moderate among them opted for leaving the government to handle the issue, whereas the most militant made categorical demands that the teaching of Hindi be ended, abolition of the use of Hindi commands in the National Cadet Corps, the withdrawal of the three-language formula, an end to the screening of Hindi films and the broadcasting of Hindi songs, and separation of Tamil Nadu from the Indian Union. They also insisted on the closure of Dakshin Bharat Hindi Prachar Sabha, an unofficial body whose mission was to spread Hindi in the South.

The Chief Minister faced this challenge to governance adroitly, primarily by accommodating most of the demands of the students, knowing that the gesture was more symbolic than substantive, for the implementation of the demands was mostly the responsibility of the central government. Thus, for example, in his statements to the press he asked for the postponement of the language issue and pressed the centre for the acceptance

of fourteen official languages. By February 1968, life returned to normal when the schools and colleges reopened. By and large it was believed that the language issue was deftly controlled by the political acumen of C.N. Annadurai and his broad-based appeal (Ross Barnett 1976: 249).

Other challenges to the ability of the DMK government to maintain law and order were on their way. In March 1968, when the DMK had barely celebrated its first successful year in the office, Madurai Muthu, a DMK activist and the Minister of Transport, started the Tamil Sena in response to the Shiva Sena-led agitation in Bombay against south Indians. Particularly targeted were 'Madrasis'.[39] The Tamil Sena was attacked by the press as a severe threat to the national interest. The DMK government restrained these efforts and balanced them through measures such as the extension of legal validity to 'Self Respect Marriages'.[40] Another initiative taken to encourage inter-caste marriages, especially between people belonging to the scheduled castes and scheduled tribes and the caste Hindus, was the awarding of gold medals to partners in these marriages.

After C.N. Annadurai's death in 1969, C.M. Karunanidhi took over as Chief Minister with the support of a majority of the Members of the Legislative Assembly (MLAs) and his influence within the party organisation, especially the General Council. Karunanidhi faced tough competition from his rival Nedunchezian, who staked a claim on leadership based on his seniority within the party and his service as the party's general secretary in 1956. Yet he managed to ride over Nedunchezian's accomplishments by playing his political cards skilfully, consolidating his support within the party after Annadurai's death. Later, Nedunchezian became the general secretary and Karunanidhi became the first president of the party.

The next controversy to emerge before the 1971 general election was caused by the attacks launched by the Tamil stalwart E.V. Ramaswami on Brahmin political leaders as a part of his renewed anti-Hindi campaign in meetings at which he ostensibly extended his support to the DMK. Karunanidhi responded to this challenge to the growing acceptability of the DMK as a pro-system party by stating publicly that the DMK would not tolerate 'anti-God' activities, and disassociated the DMK from E.V. Ramaswami's anti-God campaign. Tamil nationalism in power had successfully met yet another challenge.

Karunanidhi thus moved into the space created by the death of Annadurai, thanks to a fine sense of strategy and a stroke of good luck. He enlisted the help of the Tamil film industry and inducted the film star M.G. Ramachandran (M.G.R.) to add an emotional undertone to the electoral campaign, and struck an opportunistic alliance with the Congress (R) of Indira Gandhi, then riding the crest of her popularity on account of the 1971 Indo-Pakistan war. Timely rains brought a bountiful harvest and removed the perennial irritant of the food problem from his list of problems. Most important of all, he knew how to ride the tiger of Tamil nationalism and exactly when to get off. In the event, the 1971 elections, which

saw a contest between two coalitions, the DMK-led Progressive Front consisting of Congress (R), the CPI, the Praja Socialist Party, Forward Block, Muslim League and Tamil Arasu Kazhagam, and the Democratic Front led by Congress (O), the Swatantra Party, the Samyukta Socialist Party, the Tamil Nadu Toilers' Party, the Republican Party and the Coimbatore District Agriculturist Association, was a resounding triumph for the DMK, with the Progressive Front winning 52.8 per cent of the votes and the Democratic Front polling 36.7 per cent. But as subsequent events were to show, even at its peak, Tamil nationalism carried the seeds of its fragmentation.

The first signs of trouble came with the policy towards prohibition. Karunanidhi favoured the lifting of the 'dry law', with an eye to the lucrative revenues that the sale of alcohol could fetch. Kamaraj Nadar, now at the head of Congress (O), vigorously opposed the proposal. The Muslim League and the Tamil Arasu Kazhagam also opposed it. But, more ominously, the proposal faced opposition from within the party as well, particularly from the M.G.R. faction. Yet Karunanidhi persisted with the proposal and had the dry law taken off the statute book. To weaken M.G.R.'s position further, Karunanidhi launched his son Muthu into the film industry and tried to promote Shivaji Ganeshan as the new celluloid face of Tamil nationalism.

M.G.R. was quick to counter-attack. He was then the DMK treasurer, and while addressing a gathering to celebrate the sixty-fourth anniversary of the birth of the late C.N. Annadurai on 8 October 1971, he charged the DMK politicians with being corrupt and questioned their sudden acquisition of wealth. Karunanidhi reacted by suspending him from all party posts and from primary membership of the party. Later, on 18 October, Karunanidhi said he was willing to readmit M.G.R. on condition that the latter would publicly apologise. In response, M.G.R. formed his own political party, the Anna Dravida Munnetra Kazhagam (ADMK), and announced that his party would work towards the implementation of Anna's policies and programmes, including prohibition. Annaism, according to him, comprised a ceiling on urban income, elimination of intermediaries, nationalisation of the banks, effective implementation of the social goals of bank nationalisation, nationalisation of heavy industries, the takeover of the means of production, distribution of essential commodities, demonetisation of hundred-rupee notes to eliminate black money, and job opportunities in the form of 'guarantee for a living'. In November, as the ADMK leader, M.G.R. submitted his charges of corruption against the DMK government to the Governor, and later to the President of India. He backed these charges up by organising *hartals*, demonstrations and agitations.

The atmosphere of manoeuvres, counter-manoeuvres and unstable alliances saw the emergence of a three-party alliance to fight the forthcoming elections, consisting of the Congress, ADMK and the CPI. The DMK tried to bolster its position by reviving Tamil nationalism and demanding

greater regional autonomy on the pattern of Kashmir (*Indian Express*, 14 March 1975). In 1976, an all-opposition party team from Tamil Nadu pleaded with Mrs Gandhi not to extend the DMK rule further (*Hindu*, 14 January 1976). Yet Karunanidhi refused to resign and made a public statement to that effect (*Statesman*, 17 January 1976). In February 1976, the DMK government in Tamil Nadu was dismissed and taken over by the central government in a move that was both cynical and opportune, and was received amid much rejoicing among the ADMK and Congress I (*Hindu*, 1 February 1976). This paved way for the next general election.

Tamil nationalism between authoritarian rule and institutionalised charisma

M.G. Ramachandran, who emerged triumphant in the 1977 parliamentary elections at the head of the AIDMK-led Progressive Front, defeating the DMK-led Democratic Front, introduced a new element of personal charisma to Tamil politics. Compared to the DMK's grassroots organisations, the AIDMK (All India Dravida Munnetra Kashagam) lacked an organisational base and a propaganda machine comparable to the tactics of which the DMK had been mastered since the 1950s. Under pressure, the AIDMK improvised, drawing heavily on the mythological and social roles played by its leader in films:

> A characteristic MGR role was that of a working man combating everyday oppression … as a peasant, fisherman, rickshaw puller, carter, gardener, taxi driver, quarry worker, shoe shine boy, cowherd. … The crowds … were enthralled with a hero who dressed like them, ate a humble meal like them or went without one when situation so demands. The image of MGR as a social benefactor was firm in the minds of the ordinary Tamil citizen. An average cinema-goer sees MGR fighting for justice against any form of social oppression, against an upper caste landlord, the rich and the powerful. The women audiences were never forgotten. MGR was always seen saving every damsel in distress chased by lusty, rich, powerful, unchaste landlords. He was also the chaste hero who strictly believed in monogamy and was a highly moral young man portrayed as a do-gooder.
>
> (Pandian 1987: 66)

In the absence of a party organisation, the infrastructure of support that the AIDMK could draw on was the 'All World MGR Fans Associations'. It has around 10,000 branches all over Tamil Nadu and served the party in all its activities, so much so, that M.G.R. himself declared that the fan clubs were not a separate entity from the party: 'Fans associations and the party are not different' (Pandian 1992: 30).

With two regional parties competing against one another, Tamil politics

moved away from the sharp edges of ideology into rhetoric, personality, populism and short-term, opportunistic interest maximisation. In February 1980, following the Congress victory in the parliamentary election, the Congress (I) government did what Janata did in June 1977: the state governments of Uttar Pradesh, Orissa, Madhya Pradesh, Rajasthan, Bihar, Gujarat, Punjab, Tamil Nadu and Maharashtra were dismissed and fresh elections held. Unstable, *ad hoc* alliances thereafter became the rule, transmitting the ensuing instability to all spheres of Tamil political life. The general idiom of politics and policy making also became correspondingly unstable, becoming, in turn, brutally authoritarian,[41] populist[42] or nepotistic. M.G.R. introduced Jayalalitha into active political life during the centenary celebrations of the Tamil nationalist poet Subramania Bharati. She was elected to the Rajya Sabha and was recognised as M.G.R.'s protégée. She took total control of the M.G.R. fan associations. In September 1984, she was instrumental in ousting the Food Minister, S.D. Somasundaram, from the party. The eighth general election was conducted immediately after the assassination of Indira Gandhi. The AIDMK aligned itself with Congress and fought both the Parliament and the assembly elections and won both. The AIDMK won a massive electoral victory while its leader lay ailing in a US hospital. On 10 February 1985 he was sworn in as the Chief Minister for the third consecutive term. Though he was projected as a hale and healthy Chief Minister, he was medically unfit to govern until December 1987, when he died. The years between 1985 and 1987 were full of strife and factionalism within the ruling party, bomb blasts, and competitive, violent expressions of support for different Tamil militant groups of Sri Lanka (*Statesman* 25 September 1985). The DMK began anti-Hindi agitation, pulling out the trusted instrument of Tamil nationalism once again, in an effort to regain lost territory. The agitation gathered momentum when its leader, M. Karunanidhi, was arrested. On 9 December 1986, the Hindi Prachar Sabha was bombed, and on 11 December the Madurai post office and Singanallur railway track were blasted. On the 22nd, the Air India booking office at Madras and on the 23rd the Trichy–Erode passenger train was blasted (*Hindustan Times*, 30 December 1986). The permutations and combinations of various Tamil parties and the rise and fall of their political fortunes left a residue of cynicism, but also of synthesis. The cultural politics was interwoven with public policy, though with the vote-catching capacity of symbols as the main strategic consideration.[43]

The tension between democratic equality which sustains representative democracy and the creation of a personality cult around leaders elected on the basis of general suffrage (Widlund 2000), already palpable during the rise of Tamil nationalism to power, reached critical proportions with the assumption of office by Jayalalitha as Chief Minister of Tamil Nadu on 24 June 1991. The crisis of governance was discernible in terms of highly personalised rule, electoral volatility and public policy. Lacking the

institutionalised charisma of M.G.R., the old matinée idol, Jayalalitha has introduced her shrill and lonely voice in espousing the cause of Tamil nationalism but in a manner and in circumstances in which her personal interests appear to be the ultimate goal of all the posturing and strategic manoeuvres. The consequence has been sporadic, apparently decisive but inconsistent action, not the most appropriate condition for effective governance. The following report in the media[44] gives an insight into this new malaise of governance in Tamil Nadu. The narrative demonstrates the futility of a desperate government, itself tottering at the threshold of legitimacy, trying to bolster governance through draconian laws:

> Tamil Nadu Government Employees Association (TNGEA) president N.L. Sridharan has filed a petition in the Madras High Court praying for the quashing of the Tamil Nadu Essential Services Maintenance Act (TESMA), 2002, considered one of the most repressive pieces of legislation in labour history. [His] services were terminated by the State government along with over 1,5 lakh employees who were dismissed summarily within days of the commencement of the indefinite strike on July 2, 2003, but were reinstated after the Supreme Court intervened. The court also ordered the setting up of a three-member panel of retired High court Judges to hear representations from the 6,000 employees charged under TESMA.
>
> (*Frontline*, 12 September 2003)

The battle between the government and the judiciary on the one hand, and the government and its unionised civil servants on the other has reinforced elite fragmentation. The overall result is to lower the cohesion of regional politics.

In the final analysis, compared to Punjab, where the issue of regional identity remains contested, the Tamil identity of Tamil Nadu has become incontrovertibly established. But the institutional arrangements that bridge regional identity with governance in everyday life are not in place. The result is a deep sense of insecurity and anxiety that marks both the wielders of power and their opponents. The results of the 2004 general election in Tamil Nadu, with its complete rejection of the AIDMK candidates, indicate the volatility that has become characteristic of the electorate. While the overall hold of Tamil nationalism remains an implicit parameter of politics in Tamil Nadu, the inability to institutionalise identity and to bring back systematic party competition continues to remain a key problem of governance in the state.

Maharashtra: community, conflict and resilience

With its political identity firmly anchored to a solid base composed of the Marathi language and a rich literary heritage, the shared collective

memory of a glorious past associated with Shivaji, and a well-knit cluster of Maratha castes, Maharashtra, in comparison with the other regional narratives, provides a picture of political cohesion despite social conflict, and stability in spite of regime change. The process of regional state formation in Maharashtra is remarkable in the sense that the Samyukta Maharashtra Samiti (SMS), a movement for a Maratha homeland which brought private passions into the public arena and caused the upstart new party to come within a whisker of dislodging Congress from power during the heyday of its hegemony, having played out its role in giving political recognition to the subliminal Maratha identity, bowed out from the arena, leaving the institutional fabric of the political system intact. The political system withstood this challenge, and effective political management of the conflict saw the eventual foundation of the State of Maharashtra. Effective conflict resolution during the long years of Congress rule and the continuity of this capacity under successor regimes has kept governance in Maharashtra, despite some turbulent times, above the national average (Figure 4.5).

Regional state formation

The opprobrium that had followed Gandhi's assassination by a Maharashtrian reinforced the latent resentment of Marathas against outsiders, and, consequently, their aspiration for a regional homeland. The result was the revival of a demand for the creation of a separate political unit for the Marathi speakers out of the bilingual Bombay province. This was not an idea that Chief Minister Morarji Desai was particularly keen on, and not just on account of his own Gujarati origin. Unilingual political units were

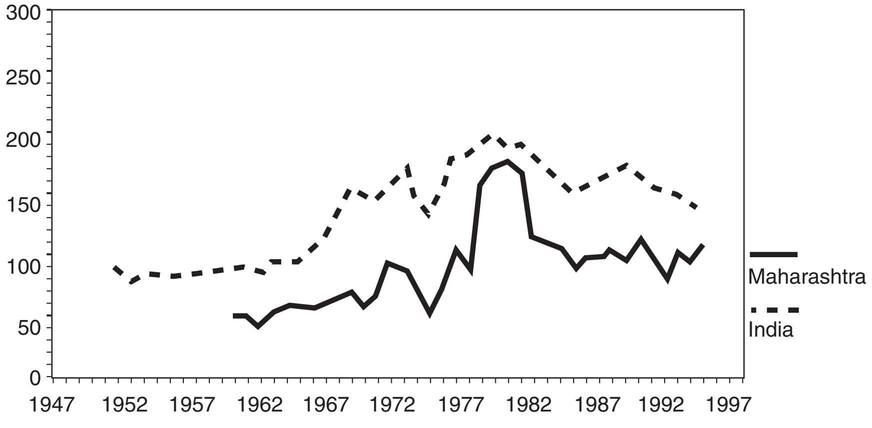

Figure 4.5 Governance in Maharashtra (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

against Congress Party policy at that time and Morarji, stern administrator and disciplined party stalwart, could not very well countenance such a flagrant defiance of the party line. So, when Maharashtra achieved its status as a separate province, this came about with much struggle, violence and, ultimately, a political deal between Nehru and the regional leaders of the Congress. The memory of this movement has now joined the foundational myth of the Maratha identity, which some trace to a much older tradition.[45]

The inspiration to look for a regional home for Marathas came from the example of similar demands from the south of India. When Potti Sriramulu, a staunch advocate of the creation of a separate State of Andhra for Telugu speakers, died on 15 December 1952 after fasting for fifty-eight days, the incident caused widespread violence and arson. However, the States Reorganisation Commission (SRC), appointed on 22 December 1953, brought no joy to the advocates of a separate state for Marathi-speaking people. The SMS, an alliance of opposition parties, submitted its demands to the SRC. So did the Maha Gujarat Parishad (MGP), promoting a similar demand for Gujarat. The SRC rejected both the demands and recommended the formation of a bilingual state of Bombay and proposed that Vidarbha be formed into a separate state. Despite much agitation, the central line of the Congress Party prevailed over local considerations. The bilingual Bombay State was inaugurated in November 1956. The general elections of 1957 showed how unpopular this move was.[46] However, while agitation failed to deliver Maharashtra, political transaction did. In due course, Y.B. Chavan, the leading Maratha leader and Congress stalwart, managed to convince Nehru of the futility of the bilingual experiment, which was increasingly jeopardising Congress prospects in Gujarat and Maharashtra. Indira Gandhi, who was then the Congress president, also favoured the idea of Maharashtra. Finally, on 4 December 1959, the CWC passed a resolution regarding bifurcation of the bilingual Bombay State, and the State of Maharashtra was inaugurated on 1 May 1960. Under Chavan, arch-manager and Chief Minister, the Congress party soon regained its dominance and the passive role of Congressmen in the Samyukta Maharashtra movement slipped out of the limelight as Congress won the elections of 1962 with great success.

Community, conflict and cohesion

Maharashtra enjoys the image of a highly developed economy, political stability, a highly politicised electorate, an alert press and a vibrant bureaucracy. However, there are deeper fissures within the social structure, and a communal cleavage that has erupted into riots from time to time. The social resentment against rule by rich peasants, high finance and the Mumbai mafia does express itself in the media and the thriving Marathi theatre. The fact remains, however, that the political system and

process have so far been able to contain these pressures and function smoothly enough to keep the level of governance high. The alacrity with which Maharashtra's politicians got on with business as usual once the perimeters of the regional state were set points in the direction of a long Maratha tradition of rule through a fine balance of accommodation and repression, one that had sustained the far-flung, culturally heterogeneous Maratha Empire under the Peshwas. This historical memory provided a secure basis on which to build the political network of a one-dominant-party system under the broad umbrella of the Congress Party, whose dominance, unlike in the other states examined here, survived even the split of Congress in 1969.

The Maratha peasantry, product of the *ryotwari* system, emerged as the main beneficiary as a result of the creation of the unilingual State of Maharashtra. There is only one major middle caste, Maratha-Kunbi, which is numerically dominant. Under the leadership of V.V. Chavan, which kept intra-party factionalism under check, Congress struck deep roots into the main organs of power, namely the panchayats, the cooperatives and trade unions, whereas the opposition to it was fragmented. Shiv Sena, initially confined to Bombay, rose as a challenge to this dominance but, in true Maratha tradition, soon developed a modus vivendi with the Congress. The party system thus acted as a conduit for political transaction which was able to contain the major social conflicts in Maharashtra, simmering along the lines of social cleavages that pitted Brahmins against Marathas, polarised Marathas and Mahars, and separated Hindus and Muslims.

Congress in Maharashtra had successfully built up an elaborate and well-knit party organisation down to the village level which, unlike the other regional Congress parties, was almost free from factionalism. Congress's dominant position was based on three premises (Sirsikar 1995: 239). First, no other party could match the ability of Congress to penetrate below the district level. Second, Chavan was able to weed out potential rivals from within the party. Finally, Congress had successfully identified with and mobilised the Marathas, which ensured that the party had a stable base. This prognosis, in retrospect, appears to have been empirically contradicted by the eventual fall of Congress from power, the rise of Shiv Sena and spectacularly violent communal riots. And yet, the substantive import of the early prognosis remains valid: governance in Maharashtra remains essentially unaffected by these changes. One explanation for this seeming paradox lies in the deep inroads that instrumental rationality has made in Maharashtra's political culture, the presence of effective institutions for state–society intermediation at all levels of the system, the presence of countervailing forces, strategic and effective reform, and the ability of local and regional elites to switch loyalties in the short run without in any way compromising their room to manoeuvre, or their social standing in a terminal manner.[47]

Sirsikar provides important insights into the process that ensures resilience despite the existence of important social cleavages. He explains who governs in Maharashtra and why through an analysis of the interweaving patterns of relationships between the sugar lobby, the Maratha caste network and the political transactions that link village, *taluka*, district and region to the apex decision makers in Delhi. 'The power-net is woven from a village to a block, from a block to a district, from a district to the state, and from the state to the nation. Everyone is placed at some point of this hierarchical structure' (1995: 25). In Sirsikar's Maharashtra, patronage is not the only building block of politics. Political actors, while fuelling their transactions through a reliable supply of material resources, add their ideas, intelligence and values to the ebb and flow of power. Primordial identities and patronage thus get transformed into 'power-structures, involved in constant interaction, influencing public policy for their own parochial ends. . . . Who will succeed in this power-game depends on many factors and no general rule can be stated' (ibid.: 24).

This provides some insight into why Congress rule, which continued to dominate Maharashtra politics beyond 1967, the conventional cut-off point for Congress dominance in the Indian states, nevertheless came to an end. However, the decline of the Congress Party did not signify a structural discontinuity in Maharashtra. Despite the apparent polarisation of Maharashtra politics between Dalit assertiveness and convergent rural and urban capital, the emergence of a new, more sectarian and aggressive leadership in contrast to the old-style regional Congress bosses (who lost some of their authority during the period of the general humbling of India's regions under the rule of Indira Gandhi), politics in Maharashtra continues on the old transactional grooves, under the general umbrella of the Maratha political tradition. Political consensus on the canon of Maratha identity and a core of Maratha institutions overrides political differences. The legacy of an independent Marathi Kingdom and the legendary hero Shivaji still pervades the cultural psyche of the Marathi people.[48]

The phenomenon of cohesion despite conflict and continuity in spite of change has a basis in cultural and economic history. There are several distinctive but interwoven historical and social forces that account for this political tradition that Maharashtrians claim to be their unique political legacy. The two pan-Indian traditions of religious unity for all Hindus, *bhakti*, carrying the ethos of popular Hinduism, and *hindutva*, with its roots in classical Hinduism, both have Maharashtrian origins. Both are linked to the living myth of guerrilla war, inspired by the teachings of Ramdas, against Muslim invaders. Many of these stories are chronicled in Marathi, claimed as a language of the masses but also the main linguistic medium of high literature. The absence of the zamindari system and the prevalence of the *ryotwari* form of land tenure have had a strong impact on the character of the peasant. The predominant feudal social character-

istics and hierarchical value systems prevailing in Bihar, for example, are conspicuous by their absence. The nature of agriculture in Maharashtra, where dry-farming is predominant, also contributes to the political culture of a rugged, hard-working peasantry, temperamentally independent and not servile or passive. Further, social reform in Maharashtra took shape earlier than in most other areas except Bengal and led to an atmosphere congenial to liberal social attitudes and modern forms of communication. There is no purdah in Marathi society.

Further ramifications of conflict and cohesion can be seen in the competition among Brahmins, Marathas and Mahars, three broad caste groupings for the domination of politics in Maharashtra. Brahmins have provided effective leadership in the socio-cultural and political life of Maharashtra since the time of the first Peshwa, a unique case of Brahmin rule in the Indian context. Though Maratha power was greatly extended during this time, the Brahmins' authority and position was unchallenged. During the British period, their reputation for administrative talent was further enhanced by their eager response to English education, which earned them key positions in the colonial structure open to Indians. By the end of the nineteenth century, Brahmins had assumed a position of dominance disproportionate to their number. Many of the early nationalists, such as M.G. Ranade, G.K. Gokhale and B.G. Tilak, came from their ranks.

Such complete dominance by one group of people naturally created the ground for an intense anti-Brahmin movement, which found its main support from the Maratha castes. According to Irawati Karve (1968: 16), the Maratha caste cluster is numerically the strongest and comprises approximately 40 per cent of the total population. Western education came to these castes late, but the complete social dominance of Brahmins had already awakened leaders who served the Maratha community. The Brahmins in Maharashtra were absentee landlords, ritually prevented from ploughing the land, and living off the surplus. Thus, they were often seen as exploiters of the tiller. In the powerful rhetoric of social reformers such as Jyotirao Phule, Bhaurao Patil and A.B. Lathe, Brahmins often came across as exploiters of non-Brahmins. Phule's Satya Shodhak Samaj asserted in 1873 that human beings were equal irrespective of their birth. His influence was primarily responsible in institutionalising the discontent prevalent against the Brahmins.

The third important caste is Mahar, which is the most numerous and important among the scheduled castes (SC) of Maharashtra. SCs constitute 7 per cent of the total population of the state. One of the theories about the etymology of the word 'Maharashtra' is that it originates from 'Mahar' and means 'land of Mahars'. Mahars are mainly concentrated in Marathwada and Vidarbha. They are considered a 'martial race' like Marathas, a category that the British had used to organise regiments in the army. The Mahar regiment was one of the chief reasons for Mahars'

political ambition and militancy. Jyotirao Phule and Ambedkar have been the greatest influence on this community (Omvedt 1993).

Maharashtra politics, in its early stages, was dominated by Brahmins. Though Brahmins were most critical of Gandhi's politics, the top Congressmen of the state in the pre-independence days were still Brahmins. But following Gandhi's assassination (the fatal shots were fired by Nathuram Godse, a Maratha Brahmin), the consequent reproach led many members of the community to withdraw from the political arena. The space that thus opened up facilitated the entry of the Maratha caste cluster into the ranks of the Congress Party.

The other caste conflict of political significance is that between Marathas and Mahars. The Marathas traditionally had a reciprocal relationship with the Mahars, who provided cheap labour and performed the tasks of scavenging, flaying dead animals and removing carcasses. The majority of them were landless labourers and dependent on Marathas for their livelihood. Following the leadership of Ambedkar, one of the most important members of this community, a large number of them converted to Buddhism in 1956. Since then, many of them have refused to perform the traditional chores in the villages, which they perceive as demeaning. Mahars, unlike former untouchables in other parts of the country, are on average better educated and politically more conscious. Dalit literature and Dalit theatre that espouse their cause have gained wide currency, and political organisations such as the Dalit Panthers have voiced their revolt against the establishment. Dalit politics in Maharashtra has since came a long way. The repeated efforts by Shiv Sena, Congress and Socialists to make inroads into this community have sharpened its political consciousness instead of fragmenting it.[49] Following the takeover of the reins of the state by the coalition government of the BJP and the Shiv Sena, several riots took place between Dalits and upper castes. The manner in which many of them were organised shows the Dalits' effective network and their instrumental use of violence for the purpose of extending their influence in state politics.

Countervailing political and social forces: the Shiv Sena, Dalits and cooperatives

Despite sectional mobilisation, there are implicit and explicit methods of cross-cleavage communication and coalition building. Hence, despite the semblance of communal polarisation across religious and caste divides, the overall political community of Maharashtra remains functionally stable.

The Shiv Sena (which literally means Shivaji's army) was formally launched by its leader, Bal Thackeray, on 19 June 1966 in Bombay. It entered the political arena by helping Congress defeat Krishna Menon, who stood for Parliament as an independent in 1967. Its political career started in 1968, when it won 42 seats in the Bombay Municipal Corpora-

tion elections, standing second only to Congress. The Sena strongholds were Bombay and Thane. Originally urban based and concentrated in the Bombay–Thane region, the movement has widened its base and has spread to rural areas all over Maharashtra. The Samyukta Maharashtra movement had mobilised the Maharashtrians, and the realisation that in their own capital all the jobs were monopolised by south Indians (as was made out to be the case by Shiv Sena propaganda) helped to swell Shiv Sena's support. The growing strength of the Shiv Sena–BJP alliance, which secured 94 seats and over a quarter of the popular vote in the 1990 assembly election, put Congress (I) on the defensive. In its propaganda, the Shiv Sena brought up the idea of a conspiracy by non-Maharashtrians against the Maharashtrians, and this awakened a strong desire to drive out the outsiders and to prevent further migration. Tactically, the Shiv Sena attacked south Indians more vigorously and Gujaratis and the other north Indians to a lesser extent, because the south Indians occupied white-collar middle-class positions, mainly clerical jobs, that were coveted by the Maharashtrian lower middle classes, while the Gujarati and others were businessmen and industrialists. The Shiv Sena's antipathy towards Dalits and Muslims (it has not been coy about its involvement in the destruction of the Babri mosque) and the 1993 Bombay riots and its relative absence in rural India have set limits to its growth as a political force.

The emergence of the Dalit Panthers in Maharashtra signifies a revolt of the socially depressed communities against upper-caste Hindu dominance of the social, economic and political life in the region. The Dalit Panthers have borrowed their name and to some extent their organisational set-up from the militant Black Panthers movement in the United States. But beyond this, the Dalit Panthers are totally indigenous and rooted in the Indian social milieu. Gandhi, in his efforts to keep the Hindu community together, had succeeded in persuading Ambedkar to withdraw his demand for proportional representation for untouchables under the terms of the Poona Pact (1936). Later in life, Ambedkar organised the scheduled castes into a political party, the Scheduled Castes Federation, which subsequently came to be known as the Republican Party of India.

The Dalit Panthers are a militant political organisation committed to total revolutionary struggle for the destruction of the established socio-political and economic order. They first came into prominence on 5 January 1974, when large-scale riots broke out between the scheduled castes and the caste Hindus in a residential colony in Bombay known as BDD chawls. Their manifesto declares that the term 'Dalit' does not mean only the members of the scheduled castes and tribes, but also includes the entire working class – that is, all those who are exploited politically, economically and in the name of religion. It thus distinguishes itself from the 'parochial' and 'casteist' Republican Party of India, which exclusively represents the interests of the scheduled castes and tribes. The Dalit Panthers maintain that the complete emancipation of the Dalits cannot be

brought about on the narrow basis of caste or religion. In their opinion, the battle against the ruling class can be successfully waged only if all oppressed and exploited people come together under one banner. Notwithstanding these claims, the Dalit Panthers, like the RPI, has more or less remained an organisation of the Mahar caste.[50]

As a field organisation, its remit is to protect the lives, property and honour of the Dalits.[51] In contemporary Maharashtra, the Dalit Panthers find themselves in a double bind. If, in a bid to secure a wider political basis, they underplay the theme of anti-Hinduism, the movement is likely to lose its current identity. It will then become merely another radical group in the state, leaning towards Marxism, competing for a following with those already in the field. And the competition is quite severe. Gradually, collusion is emerging between Marathas and Brahmins in economic and social life.

The hostility of the caste Hindus, especially of the higher castes, was evident at the time of the Marathwada riot in 1978.[52] But the conflagration, in which over 1,000 huts belonging to Mahars and neo-Buddhists were burnt, was not sudden and spontaneous. It was an explosion of the seething discontent of unemployed upper-caste educated youth against the scheduled castes, who were getting the jobs. In addition, the militant Dalit Panthers antagonised the majority community by very provocative and obscene language while denouncing the Hindu religion and Hindu tradition.

Cooperatives, the other major pole of politics in Maharashtra, and particularly the sugar lobby, are neither organised political parties nor explicitly political formations like the Shiv Sena. Maharashtra has more cooperatives than anywhere else in India, with 83,460 cooperative societies and more than 100 cooperative sugar factories. But no one can deny their role as pressure groups. In the early stages, the cooperative movement was confined to providing cheap credit to farmers. Over a period of four decades up to 1947, cooperative activity spread to banking, marketing and processing. With independence there was a spurt in cooperative activities. Before 1947, Congressmen were indifferent to both cooperatives and local self-government, but after independence there was a sea change in their attitude and these institutions were looked upon as agencies of rural development. Congress politicians took to these activities in a major way.

The sugar cooperatives have been mainly under the control of rich Maratha landowners. The meaning of ‘cooperation’ is helping each other, especially the weaker sections of society. But in Maharashtra the main advantages of the movement have been monopolised by the rural, newly rich big farmers, who have benefited from irrigation. It is not surprising that the major catchment area for political recruitment is the cooperative field in general and sugar cooperatives in particular. Nearly 30 per cent of the legislators are directly connected with the cooperative sugar factories. Thus, there usually is a sizeable representation of this interest group in the

state assembly. No other interest can claim this much strength. This has given rise to the terms 'sugar lobby' and 'sugar barons'.

The 'sugar lobby' is an important factor in Maharashtra politics. It fills in the grey area that constitutes the interstices of competing political parties, smoothing out deals between adversaries with mediation, cash and contacts. But it is not the only factor. The sugar barons are quite aware of their power and also its limitations. Sugar cooperatives spearhead the cooperative network of banks, sale purchase unions, credit societies, ginning and pressing factories, and other cooperative enterprises. This integration of interests will always influence public policy and politics in Maharashtra. The interest group has provided two chief ministers and a large number of MLAs. Though most of the sugar cooperatives are under control of Congress politicians, a few are controlled by leaders of the Janata Dal and the Peasants' and Workers' Party.

The 1995 assembly elections: **plus ça change?**

The assembly elections of 1995 in which a Shiv Sena–BJP coalition defeated the Congress Party constitutes a watershed in the political chronology of Maharashtra. Like all general elections, holding up a window to the constellation of forces active in the political arena, the campaign, manifestos and outcome provide a glimpse of the political system of the state at work. On the side of the Congress Party, the Congress president, P.V. Narasimha Rao, appears to have followed the traditional Congress strategy of 'balancing the ticket' by providing representation to the factions opposed to Chief Minister Sharad Pawar, and assuaged the feelings of anger and anxiety of Muslims in the wake of communal violence (the Bombay riots of 1993) by sending national emissaries and reassuring them of the traditional bonds between the Congress Party and minorities.

The Shiv Sena–BJP coalition released a common minimum programme, seeking to jettison their anti-system image through a fine balance of commitments to welfare and Maratha identity calculated to give them a profile of electability. Conspicuous by their absence in the joint manifesto were the Sena's populist programme of providing rice at two rupees per kilogram and the BJP's demand for a separate Vidarbha state. Instead, the two parties promised to stabilise the prices of rice, jowar (sorghum), pulses, sugar and cooking oil within five years and the creation of a fund for the development of Nagpur (in Vidarbha) as the second capital of Maharashtra. The BJP's promise of providing '*jhunka bhakar*' (subsidised meals at the cost of one rupee) to all hungry persons stayed in the joint manifesto, and so did Shiv Sena's promise to provide free homes to Bombay's slum-dwellers. The two parties also pledged to provide electricity connections to farmers within six months of the initial application and a supply of pure drinking water to 40,000 farms in the state. The joint manifesto underlined the Marathi ethos and promised to rename Sahar

International Airport after the great Maratha warrior Chatrapati Shivaji, the introduction of a Marathi Vahini on Doordarshan, a commitment to the use of Marathi by the judiciary and the introduction of 'Maharashtra Bhushan' awards for persons excelling in art, culture, sports, science, industry and agriculture. Women were offered protection through the establishment of special courts for the trial of cases of atrocities against them and a simultaneous 'protection and honour' alongside reservations. The leaders of the coalition confirmed that they would not scrap the Congress Chief Minister Sharad Pawar's welfare policies meant for women, but would reject Congress's policy with regard to textile mills and surplus land, seeking to restart the sick mills instead.

While most people believed that the main contestants in the Maharashtra poll were the Congress and the Shiv Sena–BJP alliance, some, including a cross section of Muslims in Bombay, did look forward to the emergence of a third force comprising left-wing and Dalit parties in Maharashtra. As the election scenario unfolded, it became clear, however, that the third force was in total disarray.

Maharashtra witnessed a low-key campaign in view of the Election Commission's order to limit poll expenditure. Wary of violating the model code of conduct, the candidates conducted their campaign cautiously, restricting themselves to door-to-door campaigns. In the event, Congress polled 30.4 per cent of the votes, against 38.2 per cent secured by it in the 1990 elections, winning only 81 seats compared to 141 five years earlier. The BJP–Shiv Sena alliance came close to winning a majority in the 288-member House with 29.8 per cent of the votes, about 1 per cent less than the outgoing ruling party. The Shiv Sena won 73 of 170 seats it contested. Its popular vote, however, registered a slight decline from 15.9 to 15.6 per cent. The BJP contested 117 seats and won 65 with 13.7 per cent of the vote, registering an improvement of about three percentage points in its popular vote. The Janata Dal, which failed to conjure up an alliance of like-minded parties, despite the desperate efforts of V.P. Singh, polled a mere 5.7 votes against 11.2 per cent secured by it in the 1990 elections. Its strength came down from 24 in the outgoing assembly to 11 in the new House.

Pragmatism triumphant

From the point of view of governance, the assembly elections of 1995 indicate a double achievement of governmental change and systemic stability. Compared to the expectations of, and apprehensions regarding, a qualitative shift in the tone and content of politics as a result of the change of government, the affairs of state in Maharashtra have continued on familiar grooves. Successive elections that have followed have lived up to the pragmatic character of politics in Maharashtra. The past decade has shown how, despite the end of Congress dominance, the capacity to negotiate the

rules of transaction has remained. A recent conflict of interest regarding medical college admissions and the process of multi-cornered negotiation that it led to gives an insight into why Maharashtra succeeds in maintaining a high level of governance.[53]

Private, unaided professional colleges are a lucrative business in Maharashtra. The linkage with politicians ensures protection, patronage and special concessions with regard to taxes and land. 'Education, like sugar and cooperative banks, [has become] a lucrative business, thereby creating a merry band of education barons,' says C.R. Sadasivan, national secretary of the All India Federation of University and College Teachers Organisations (AIFUCTO). After a Supreme Court ruling (*T.M.A. Pai and others* v. *State of Karnataka and others* in October 2002) allowed private unaided professional colleges in Maharashtra to determine their own fees, the government no longer had any decisive voice on critical issues such as admission and fees. At the start of the academic year, a national daily reported that some colleges were auctioning seats with bids beginning at Rs 27 lakhs for the five-year course. Following a furore, the Chief Minister, Sushilkumar Shinde, ordered a probe into the fee structure. The government was forced to act after a major fracas by students, parents and activists against the steep fee announced by the private professional colleges.

The announcement of an Rs 3.80 lakh annual fee came as a complete surprise to students and their parents. A bigger surprise was the one-week deadline to pay it. On the day of admissions, pent-up anger against the mess and the continuing uncertainty spilled on to the streets. Hundreds of students, parents and students union members blocked roads and staged demonstrations outside the Chatrapati Shivaji Terminus, near St George's Hospital, the medical college admissions centre. The protesters threatened to go on an indefinite fast unless the issue was resolved.

With the threat of severe agitation, particularly after the Shiv Sena and the Akhil Bharatiya Vidyarthi Parishad (ABVP), the students' wing of the BJP, got involved, the state government left it to the apex court to decide. It also set up a committee comprising three cabinet ministers, to 'talk to management of private medical colleges and persuade them to scale down their proposed fees'. The new fee structure, approved by the state cabinet, was charted along the lines of the 'Karnataka formula' under which 25 per cent of the places are set aside for the 'management quota', with annual fees of Rs 7.5 lakhs (a money-earner for the educational entrepreneurs); and another 25 per cent are reserved for eligible students in the socially backward class category (a concession to social justice and welfare). These opportunities for upward social mobility on the back of the private sector were to be charged an annual fee of Rs 25,000, which the state government generously offered to pay. The remaining places were to be allotted under the open merit category, catering to the needs of the upwardly mobile middle classes with limited means and unlimited ambitions, for which the annual fees were to be Rs 1.50 lakhs. Even within this category, 13 per

cent of the places were to be available on merit for socially backward students and 10 per cent for economically backward students whose annual family income did not exceed Rs 65,000. The fees for both these categories were to be borne by the government. The rest of the places were to be allotted to students in the general category.

The process of negotiation, which engaged the government of Maharashtra, the pressure groups, the judiciary and students, was conducted with considerable skill and the benefit of experience with regard to negotiations. It provides a contrast to the issue of the mass dismissal of government servants and their subsequent reinstatement in the case of Tamil Nadu. Locked in conflict, social confrontation or political negotiation, the political actors of Maharashtra, as we have seen in this example and as I discuss later in the text, exhibit consummate skill and resourcefulness. Politics in Maharashtra, consequently, has tended to run along well-honed grooves, in stark contrast to neighbouring Gujarat, which we shall analyse next, or in Tamil Nadu.

Gujarat: community and conflict in a fragile political system

The long shadow of the riots of 2002 tends to deflect attention away from several significant facts about mass political violence in Gujarat. First, the average level of the riot–murder index for the state, compared to India as a whole, has been below the national average for the past four decades (Figure 4.6). Second, though the level of riots and murders has been lower than the national average, it has been, at the same time, remarkably variable and unpredictable, with periods of relative calm being shattered by the outbreak of vicious riots. The third aspect, which follows from the first two,

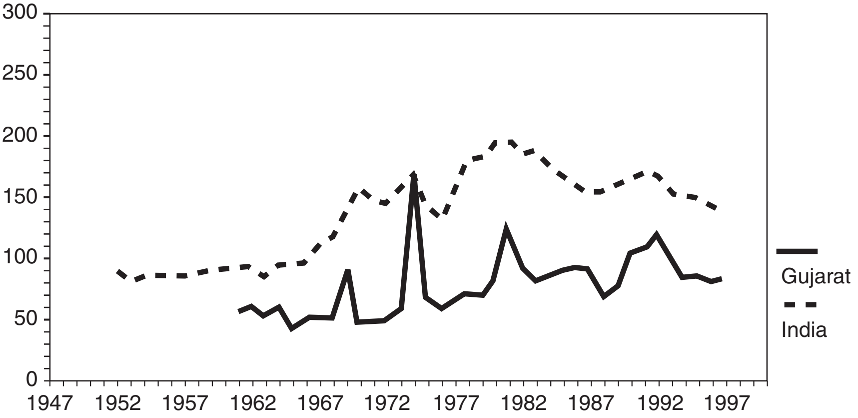

Figure 4.6 Governance in Gujarat (combined index for riots and murder per million population) compared to India as a whole (source: Government of India, Ministry of Home Affairs: *Crime in India* (annual)).

is the hiatus of the observer's image of Gujarat, 'long known for its communal violence' (Jaffrelot 2003: 2),[54] and the Gujaratis' view of Gujarat, who, in a manner comparable to what is found in Bihar, appear to see it in a different light. The mass perceptions of law and order (Table 2.4), according to the 1996 survey, show only 4.6 per cent of Gujarat respondents thinking that law and order, compared to the situation ten years earlier, had deteriorated, as compared to 12.5 per cent for the national sample. Fourth, the aggregate statistics for murder–riot in Gujarat conceal interesting variations. Though the level of murder has not changed radically over four decades, the level of riots has gone up from 23.8 per million in the 1960s to 60.8 in the 1990s (Tables 2.6 and 2.7). Finally, collective violence is spatially concentrated rather than being widely dispersed, for some cities, such as Ahmedabad, tend to be particularly vulnerable to the outbreak of riots. Because of these cities' location, the riots become disproportionately visible to the national press and beyond.

My account of Gujarat approaches this complex theme of governance with a recent narrative that shows the effect of a complex combination of crime, the nexus between local criminality and international terrorism, and communal polarisation leavened by violent memories that deeply affect politics in contemporary Gujarat. The report from the media is focused on the assassination of the former Home Minister Haren Pandya.

> An elderly Hindu woman has made the ruins of the Paldi-Bhatta Masjid in Ahmedabad her home. 'Stop taking those photographs,' she screams. 'Why do you want to have me thrown out of here?' Thirteen months before he was killed, Gujarat's then Home Minister Haren Pandya, had stood before the same mosque. The people doing the screaming then were Vishwa Hindu Parishad (VHP) and Bajrang Dal volunteers, demanding that the building be brought down.... Unlike Chief Minister Narendra Modi, Pandya was present among mobs responsible for the mass killings that began on February 28, 2002, the day after the carnage on the Sabarmati Express in Godhra.... Pandya's assassination, the joint investigation conducted by the Gujarat Police and the Central Bureau of Investigation (CBI) has found, could prove to be just the first of a wave of Islamist terror strikes intended to avenge the pogrom of February–March 2002. Drawing on a wide network of religious organisations that have flourished among Gujarat's ghettoized and riot-battered Muslims, the Laskar-e-Toiba and the Jaish-e-Mohammad have begun recruiting and training dozens of young people to execute acts of retaliatory terrorism.... Maulana Sufiyan Patangia used to run the Waliullah seminary in the old city area of Ahmedabad. Now, he is Gujarat's most wanted criminal, believed to be the head of the massive terrorist cell unearthed during the course of the investigation into Pandya's assassination ... last sighted ... in Ryadh, Saudi Arabia.[55]

The low average, high variance and unpredictability of political disorder in Gujarat point towards the instrumental and contextually reactive character of mass violence in Gujarat. This, I argue below, can quickly get out of hand because of the lack of social cohesion and the relative fragility of Gujarat's political institutions.

Formation of the regional state

In stark contrast with Maharashtra, with a core cultural and social basis to identity and institutional network, political consciousness in Gujarat, like Punjab, historically a site of invasions and plunder, carries an undertone of the collective memory of violence and a certain tradition of resort to self-help as a method of coping with collective violence. The dialectic of modern institutions and mass agitations, initiated by Gandhi after he settled in Ahmedabad to lead the struggle for independence, left a powerful legacy. The politicisation of Gujarat was reflected in the annual political conferences of Gujarati leaders held regularly from 1918 to 1923. The Ahmedabad session of Congress, the Bardoli agitation of 1928 and the Dandi march of 1930 were other significant landmarks in the political history of the state. The decade and a half between independence and statehood (1946–60) was a period of stress, turmoil and radical transformations for Gujarat, caused by conflict over land, integrational problems created by the Nawab of Junagadh, and, subsequently, language as the basis of regional state formation.[56]

The institutional fragility of Gujarat, born out of its tormented history, is reinforced by its spatial heterogeneity. The new state did not inherit a political core or a dense caste network that could act as a binding factor. The geography of Gujarat, coupled with its history and economy, has divided the state into five major socio-cultural regions: Kutch, Saurashtra, north Gujarat, central Gujarat and south Gujarat. Each of these regions has developed its distinguishing characteristics, including local dialects and customs (Sanghavi 1996: 24–38). Social fragmentation matches geographic heterogeneity. Hindus, Muslims and Jains constitute the bulk of the Gujarati religious community, spreading out nationally, and beyond, in networks of fervent piety. The other facet of religiosity is deep social and cultural conservatism, feeding into the desire to establish and expand community boundaries.

Market forces are an important constituent of politics in Gujarat, which is one of the more prosperous states of India. Its prosperity is based in part on its relatively high level of industrialisation. Until recently, textiles constituted the mainstay of Gujarati industry. During the 1980s, however, the industrial base was diversified, especially into oil-related industries. The state's prosperity also has a significant agricultural component. The proportions of land and manpower involved in cash-crop production are relatively high. The main cash crops of the area – tobacco, cotton and oilseed –

have fetched high prices in the recent past, adding to the region's overall relatively high incomes. Each of these sectors is well represented in terms of interest groups and lobbies within the political structure of the state.

The prosperity of Gujarat masks the existence of poverty and inequality, and a very large number of people belonging to scheduled castes, scheduled tribes and other backward classes. But in contrast with Bihar, or Maharashtra, there is no sense of collective identity or political solidarity among underprivileged social groups, generated by political parties, movements or interest groups they could call their own, which explains the fragility of collective action when initiated from above by elites. These castes do not intermarry, and social fragmentation is reinforced by the practice of hierarchical stratification among themselves. Gujarat is among the top ten states in terms of the highest number of crimes against members of scheduled castes, connected to disputes about the ownership of land or tenancy rights (Sanghavi 1996: 72–3, 76). However, though fragmented, the scheduled castes of Gujarat are more advanced than their counterparts in the other states, which explains the intense conflict over access to education through official quotas. Brahmins and Banias are among the important upper castes and tend to be concentrated in the cities. Many of the first-generation nationalist leaders in the region and the state's earlier chief ministers belonged to these groups. Until recently, the Banias were the dominant group in urban commerce and industry. Lastly, the Patidars are the dominant rural community, whose prominence is visible at the institutions of the district level.

The decline of Congress dominance

Until well into the 1960s, the narrow alliance that ruled Gujarat – Brahmins and Banias in the major cities, and Patidars in the districts – had been cemented by a well-organised Congress Party. Because the levels of mobilisation among the lower strata were relatively low, and intra-elite harmony was high, the politics of the region as a whole appeared consensual. Once governmental and political stability became tenuous in the early 1970s, resort to violence in order to bring about political change became a part of the quotidian reality.

Competition between Patidars and Kshatriyas for power and privilege was the main fulcrum of political conflict in Gujarat. As the socio-economic elite in the area, the Patidars have traditionally commanded both political power and relatively high status. In contrast, Kshatriyas were of lower social status but nevertheless a significant force in terms of numbers. Over time, the Kshatriya leaders forged an alliance with other disadvantaged groups, won elections and gradually pushed the Patidars out of government. As the new leaders sought to use state power to alter the old patterns of socio-economic privilege, the Patidars countered with strong resistance. The changing caste composition of the Gujarat Legislative

Assembly between 1960 and 1980 provides a good indicator of the changing power positions of various Gujarati communities. Three trends are especially noteworthy. First, the higher castes – Brahmins and Banias – slowly began to lose political influence. Second, although the Patidars managed to maintain their dominance well into the 1970s, the number of seats in the assembly belonging to members of the Patidar community fell from 24 to 18 between 1975 and 1980. By contrast, the Kshatriyas and other backward castes steadily improved their access to positions of power. The 1967 elections in Gujarat signified the growing power of the previously excluded groups such as the Kshatriyas and other non-Congress parties. Also during these elections, the majority of the ruling Congress Party was reduced from 70 seats (1962–7) to only 18 (March 1967). Subsequently, the 1969 split of the national Congress Party ushered in a confusing decade of shifting coalitions and alignments that continued until the 1980 elections.

The 1970s was also a decade of major power realignments within Gujarat. Whereas prior to 1969, Gujarat had been ruled by the old undivided Congress and the upper castes, Indira Gandhi's new Congress that emerged after 1980 aligned itself with many of the state's disadvantaged groups, especially the lower-caste Kshatriyas. Political instability coupled with drastically changing alliances set the stage for the eruption of major conflicts and violence in the 1980s (Sanghavi 1996: Shah 1977). After the Congress Party split in 1969, Congress (O), the Swatantra Party and Indira's Congress, Congress (R), became the major contenders for power within Gujarat. The weakening of the party system manifested itself in terms of social and political strife.

In September 1969, nearly 400 incidents of furious communal riots in Ahmedabad, Mehsana, Vadodara, Nadiad, Anand, Gondal and several other minor towns and villages left 430 dead and over 800 injured. As a further consequence, about 35000 refugees were driven to seek shelter in camps. A week of communal fury (18–28 October 1969) left behind a toll of 1,500 victims and strained the social fabric as never before. The involvement in these riots of Hindu nationalist organisations such as Rashtriya Swayamsevak Sangh (RSS), the Hindu Mahasabha and the Jan Sangh, highlighted by a judicial inquiry commission under Justice Jagmohan Reddy, established Gujarat's profile as one of the most communally sensitive regions in India.

After a period of rapid turnover in governments caused by the split in the Congress Party and a brief period of presidential rule, Congress (R) came into power in Gujarat in the 1972 assembly elections with a huge majority, winning 140 seats in a house of 168 (Kohli 1990: 238–50). But its authority was soon contested by Congress (O) and the Jan Sangh, who drew on a combination of factors, such as the shortages of food grains, edible oil and sugar, to start a state-wide agitation (Sanghavi 1995: 189). The Navnirman ('reconstruction' or 'social regeneration') movement crys-

tallised against this backdrop of civil disorder in 1974, and subsequently succeeded in dislodging the majority Congress (R) government from power. It was a confluence of four separate streams of events. It drew on the sense of acute economic scarcity, generated no doubt by the expectations aroused by the *garibi hatao* (out with poverty) campaign of the Congress Party in the backdrop of the rise in the price of essential commodities, the determined efforts of the farmers and the traders to evade or to soften the government controls, anti-government fury among students and teachers, and the smouldering remnants of the Congress infighting which added to the overall instability (Sanghavi 1996: 198). Though mainly led by students and other youths, the movement was in fact supported by the parties that were out of power in Gujarat. Seventy-three days of agitation left 103 people dead, mostly by police firing, 310 injured, and 8,237 under arrest in various parts of the state.

The remarkable point, however, is that political turmoil, having reached its peak and achieved its goals of removing the Congress (R) administration and dissolving the Gujarat assembly, ended just as quickly as it had begun (Wood 1975: 329). The agitation subsided, colleges reopened, students started getting ready for examinations, and normality returned. Kohli comments, 'It was as if the tap of violence could be turned on and off for achieving specific political goals' (1990: 250).

The defeat of Congress (R) in the Gujarat elections in 1975 contributed significantly to Prime Minister Indira Gandhi's decision to recommend a national Emergency later that same year. Paralleling the political instability at the national level, four different governments were formed in Gujarat between 1975 and 1980. The patterns of alignments between parties and communities during this period are noteworthy. For instance, the two Janta governments in this period respectively had 14 and 16 ministers from the privileged castes and 5 and 7 ministers from the less privileged groups. In contrast, the Congress ministries, respectively, had 15 and 11 ministers from the less privileged castes, and 7 each from the upper castes. Thus, a two-party system of sorts emerged, with one party aligned with the more privileged socio-economic groups and the other with the less privileged. In 1980, Indira Gandhi's Congress re-emerged as the state's dominant party. But whereas the upper castes provided nearly 60 per cent of the Congress legislators in 1967, by 1980 the number was under 30 per cent. Indeed, the new Chief Minister, Madhavsinh Solanki, was a lower-caste Kshatriya, a symbol of the growing assertiveness of the hitherto neglected populace of Gujarat. However, for reasons to be explained below, an institutionalised two-party competition was not sustainable.

KHAM: the fickleness of solidarity

By the early 1980s, the Kshatriyas and other politically marginal and low-caste groups had finally begun to push the Patidars out of the sprawling

state apparatus of Gujarat. The Patels, however, continued to control much of the state's agriculture, numerous cooperatives, educational institutions, some trade and commerce, and the press. Thus, the lines of conflict deepened as those who controlled most of Gujarat's socio-economic resources were losing control over the government to the less privileged but numerically significant groups. Both the 1981 and the 1985 riots must be understood within this broad context of dissonance between class, status and power.

Despite the fact that the Solanki-led Congress government came to power in Gujarat in mid-1980 with a considerable majority, within only a few months (in September 1980) riots and violence had spread through parts of central Gujarat. The bulk of that rioting took place between January and March 1981, when fifty people, mostly of scheduled-caste origins, were killed, many were injured and vast amounts of public and private property destroyed. The rioting mainly took place in cities, especially in Ahmedabad, spreading subsequently to the neighbouring districts. The most obvious cause of the urban riots was dissatisfaction among medical students in Ahmedabad, mostly belonging to the Patel community and other upper castes, over the government's reservation policies for the disadvantaged groups. Despite the government's efforts to appease the students through concessions, the demands of the agitators intensified and came to be supported by a number of professional unions as well. A rapid escalation of the conflict took place, with parallel developments in some rural areas of central Gujarat also. The anti-reservation riots were accentuated and supported by several other equally violent agitations such as the anti-price rise demonstrations and prolonged strikes by various government employees. It was only after the Chief Minister had made significant concessions and police from outside Gujarat were brought in to control the riots that the violence ultimately subsided.[57] This highlighted the relative ineffectiveness of the Gujarati police in dealing with riots and related law and order problems.[58]

The success of the agitations, despite the remarkable achievement of Solanki in being the first Chief Minister in two decades to complete his tenure of five years (in this case, from 1980 until 1985), showed the fragile social base on which his rule rested (Wood 1984). In his search for an enduring social base on which to rest his power, with state elections scheduled for March 1985, Solanki initiated an electoral ploy in January, announcing that the proportion of reservations for the 'backward classes' in government jobs and in educational institutions was being increased from 10 per cent to 28 per cent. These new reservations were aimed at securing the electoral support of the various intermediate and lower castes, especially the numerically strong Kshatriyas. But within a month of the announcement of Solanki's new reservation policies, the upper-caste students again initiated an anti-reservation agitation in Ahmedabad. The approaching elections, which preoccupied the parties of opposition and

the anti-reservation movement, at least for the moment, did not take off. Congress (I) won a spectacular victory in the relatively peaceful elections held in March 1985 and Solanki returned to power in Gujarat with an increased majority, going from 141 to 149 seats in a house of 182. This somewhat vindicated Solanki's electoral ploy of consolidating his position among the disadvantaged communities, by now synonymous with the acronym KHAM, meaning the Kshatriyas, Harijans, Adivasis and Muslims.

And yet the rioting that commenced the very next day after the elections, on 19 March, was to last for six turbulent months. During this period, approximately 275 people died, thousands were injured, and thousands were rendered homeless. According to an estimate by the Gujarat Chamber of Commerce, the cost of property damage was Rs 22 billion.[59] The riots began in Ahmedabad City again as caste-based conflicts but quickly turned into a Hindu–Muslim riot in which the Muslims of Ahmedabad were the main victims. While both anti-reservation and anti-Muslim rioting continued, the police also went on the rampage. Even the army found it difficult to control the rioting groups, which included several anti-reservation agitators, religious zealots and even the police themselves. According to Major-General Afsir Karim, who was commanding the army troops in Ahmedabad during these riots, 'Peace could not return to the city of Ahmedabad only because the anti-social elements were not being rounded up by the police.'[60]

So far, the main socio-political cleavage was similar to that of the Navnirman movement in 1974 and nearly identical with that of the 1981 riots. Once the political order disintegrated, criminals, ranging from common thugs to well-organised groups of smugglers and bootleggers, joined in. The rioting finally subsided in mid-August 1985, when, as part of a solution, Solanki resigned, and a new chief minister, who agreed to meet all the demands of the anti-reservation students, was named. Some members of the Patel community were inducted into the new administration and the law and order machinery was revamped (Kohli 1990: 260–1). Once again, thus, the violence came across as being deliberately generated as part of a strategy for accomplishing political goals.

In retrospect, the KHAM strategy of building a four-pronged coalition of Kshatriyas, Harijans, Adivasis and Muslims can be attributed most of all to the absence of a genuine movement from below on which to base it. As a tactic, it was meant to make up for the loss of its earlier support, and in that capacity it filled the vacuum created by the withdrawal of the traditional Congress supporters among Patel farmers and a section of the urban middle class during the Navnirman movement of 1974. It stood Congress in good stead during the anti-reservation unrest and in elections from 1975 to 1989. But after the Lok Sabha poll of 1989, these supportive caste groups started deserting Congress following Rajiv Gandhi's assassination in May 1991 and the subsequent changes in the central leadership. Such a

trend helped the Janata Dal (JD) to carve out its base among the Adivasis and the Muslims, while the BJP mainly focused on the new emerging Other Backward Classes (OBCs) and some advanced sub-castes of the Harijans. This strategy particularly helped the BJP, which drew in support these groups with its call for *hindutva.* The BJP emerged as the largest and strongest opposition party, eventually rising to power, having used the Ayodhya issue (see the next subection) to mobilise the urban upper castes, the middle class, and also the OBCs, Harijans and Adivasis.[61]

Troubled legacy, uncertain future

Following the demolition of the mosque at Ayodhya in December 1992, widespread and severe riots broke out all over Gujarat, with Surat City witnessing the worst communal riot in recorded history. Surat was once a bastion of communal peace and harmony, primarily owing to the fact that the Muslims from all three major trading communities – Khojas, Bohras and Memons – had strong roots in Gujarati culture, and close interaction with Hindu traders. Communal peace may also have been due to the fact that Surat, which is rapidly industrialising, has one of the lowest levels of unemployment. But when the news of the demolition of the Babri Masjid spread, all the social tranquillity of the past was shattered in one fell sweep.[62]

The electoral verdict of 1995 was a landmark in the political landscape of Gujarat, with the BJP, after a prolonged gestation period, assuming power in the state. The assembly election results, with the BJP securing 121, Congress 45 and Independents 16, overturned the earlier pattern of political support. But Gujarat soon demonstrated that ideological fragmentation of the state and consequent short-term alliances were not confined to the Congress Party or the JD but were powerful enough to override the strong reputation for ideological solidarity that the BJP had so far enjoyed. The task of forming the BJP ministry became difficult, with attempts to project Keshubhai Patel as the future chief minister, which drew criticism from Shankarsinh Vaghela, the ex-president of the Gujarat Pradesh BJP.

It was the turn of the BJP to taste the fickleness of electoral success and experience the unstable basis of all coalitions in Gujarat. Following a brief tenure by Keshubhai Patel, the BJP faced internal discord, with Shankarsinh Vaghela forming the Rashtriya Janata Party (RJP). Shortly thereafter, Vaghela formed an alliance with the Congress Party and managed to bounce back to office as the next Chief Minister. Hardly a year later, Congress withdrew its support from Vaghela. Through most of 1996 and 1997, Congress, BJP and the newly formed RJP were locked in a triangular combat for power in Gujarat, each with fluctuating fortunes and changing internal power equations. In January 1998, the break-up of the Congress–RJP alliance cleared the way for the BJP in the Lok Sabha and assembly elections.[63]

Gujarat lacks the deep roots of identity of Maharashtra, despite having a distinct language. There is no solid social core on which a cohesive institutional arrangement or political hegemony could be built. KHAM temporarily provided a social base. The rise of *hindutva* as a political force has corroded it, without, at the same time, being able to institutionalise itself in terms of a cohesive social base.

The legitimacy of parliamentary democracy, compared to what is found in the other states of India, appears to be less than fully rooted in Gujarat, indicating, perhaps, an ambiguous legacy of the tradition of Gandhian *satyagraha*. Two administrations in Gujarat – those of Chimanbhai Patel in 1974 and Madhavsinh Solanki in 1985 – were compelled to give up power even though an overwhelming number of legislators were supporting them. The Gujarat assembly has the dubious distinction of being the only assembly in India to have been dissolved (in 1974) under pressure of the mob.[64]

The disenchantment with institutional politics has found an outlet in the voluntary sector. The cooperative movement, with its legendary success in the dairy industry, is a good example. The best-known example of the Gujarat cooperative movement is the Amul dairy cooperative, which is unique in that it links the primary milk producers with modern dairy-farming technology. Today there is at least one large dairy in each of the major districts of the state, which is well supported by a network of primary milk cooperatives spread over thousands of villages (Hirway 1995: 2603–4). But whereas the Maharashtra cooperatives have become a bridge and a balancing factor in state politics, such a functional role for cooperatives is conspicuous by its absence in Gujarat. Since the political arena is fragile and unreliable, the developmental initiative in Gujarat has passed to the private sphere, cooperatives, NGOs or the market, rather than forming a part of the political agenda of the state in the form of strategic reform, the staple of state politics in other contexts such as Maharashtra or West Bengal.

Most of these organisations operate on a very small-scale fashion in a scattered way. Very often, they receive funds from foreign sources, and thereafter are more obliged to those agencies, thereby losing touch with their initial objectives. There is also no satisfactory system of ensuring the accountability of the members of such organisations, even though they manage huge public resources. Most organisations are centred around personalities, and in spite of their professionalism and attempts at participative management, many tend to become too personalised. And finally, many organisations are selective about their programmes and beneficiaries, as also with the allocation of funds and resources. All these factors collectively diminish the legitimacy as well as the efficacy of voluntary institutions in Gujarat (Hirway 1995: 2609, 2614).

Conclusion: the narratives compared

The analytical narratives from the six regions I have chosen to concentrate on illustrate the effect of institutional change, social mobilisation, legislation and centre–state relations, embodying local history, social structure and political culture in regional governance. Locating the analysis of governance in the regional arena provides a wide spectrum, across time and space, in which to see the combination of factors that help individuals choose between orderly behaviour and criminal self-help. The method has its rewards, for the very diversity of India that makes generalisation difficult also becomes an asset in terms of the scale of comparison, giving the observer access to a much richer distribution of the variation in explanatory factors. The thick descriptions thus add local colour to abstract variables such as anxiety induced by insecurity, anger at the denial of an identity that men and women claim legitimately to be theirs, the availability of the material wherewithal that makes the political status quo an acceptable basis of organised political and social life, or the apparatus of law and order management that keeps potential lawbreakers on the straight and narrow path of civic virtue.

Context matters to governance in two different ways. Context is important in the sense that a number of explanatory factors that are causally related to governance are regional in origin, and their effectiveness is determined by the will and capacity of the regional government. On the other hand, regional political culture and tradition are relevant to the understanding of law and order in the sense that some forms of political conduct considered condonable in one region might be considered unacceptable in another. The first criterion assumes inter-regional comparability of the standards of measurement of governance; the second makes it relative to the perception of people living in the area. Here, one finds the two methods – cross-regional comparison on the basis of statistical indicators, and analytical narratives which necessarily view reality from regional and local perspectives – at loggerheads. Is it possible, then, to rank-order regions by level of governance in terms of the two different methods?

The average incidence of riots and murders over the past four decades, one would expect, would be one of the factors affecting the perception of law and order, particularly its deterioration over the recent past (Table 4.1). From this point of view, the fact that the 'quantitative' and 'qualitative' measurements produce the same rank order is not entirely fortuitous. The national media, agencies of law and order and ubiquitous inquiry commissions not only publicise the breakdown of law and order, but also contribute to the evolution of a national discourse on the orderliness of public life, one that tends to produce a convergence of objective, official criteria of orderly politics and its subjective perception by those living in the area. That, however, is not to say that the reasoning that goes into the

Table 4.1 Rank-ordering regional states in terms of riots, murder and perception

Murder per million	*Riots per million*	*Average of riots and murder*	*Perception of law and order*[a]
Punjab (48.7)	Bihar (169.7)	Bihar (103.1)	Bihar (22.0)
Bihar (36.4)	West Bengal (163.8)	West Bengal (92.3)	West Bengal (19.8)
Gujarat (30.8)	Tamil Nadu (126.8)	Tamil Nadu (75.8)	Tamil Nadu (15.2)
Maharashtra (30.2)	Maharashtra (59.9)	Maharashtra (45.1)	Maharashtra (9.3)
Tamil Nadu (24.8)	Gujarat (46.1)	Gujarat (38.4)	Gujarat (4.6)
West Bengal (20.8)	Punjab (3.5)	Punjab (26.1)	Punjab (0.5)
India (33.3)	India (112.2)	India (72.7)	India (12.5)

Source: *Crime in India* (Home Ministry, Government of India) for riots, murders and the combined riot–murder index; the last column, 'Perception of law and order', is from the National Election Survey, 1996.

Note

a 'Thinking about the last ten years, would you say that the law and order situation in your area has improved, deteriorated or remained the same?' (Respondent: 'Deteriorated').

justification of disorderly conduct and, by association, its moral censure, does not vary from one regional context to another. Rather than using this fact merely to emphasise the relativity of context, my effort has been to analyse behaviour through the perceptions and choices of regional players whose behaviour is based on the information available to them, and the level of welfare, security and legitimacy to their identity that the status quo provides them with. I am not suggesting here that, faced with the implicit decision to obey the rules of transaction or not, the rational actor necessarily goes through a complex utility calculus.[65] Instead, I argue, along with the advocates of bounded rationality (Jones 2001), that some knowledge of the constraints born out of local culture and political context that intervene between the individual and the specific act of choices helps explain why strategic reform takes place in some places but is stalemated or completely stymied in other contexts, and what the consequences are for governance in that area.

The regional narratives have attempted to show how behaviour that outwardly appears as habit born out of experience is underpinned by a general model. Reciprocity backed by a credible structure of adjudication, and a satisfactory state of material welfare, make rule violation unnecessary. The fear of sanctions ensures law and order in some situations, whereas its absence causes chaos in others. Context matters because of the policies that people in power are able to initiate, implement or render ineffective through overt or covert resistance.

Governance is a shared venture between the ruler and the ruled, but the stronger motivation lies on the part of the former, not as much out of a sense of *noblesse oblige*, or the fact of the ruler's command over force, but more out of a long-term calculation of the ruler's own interest. Rulers who do not wish to waste valuable energy fighting rule avoidance or rule

infringement in everyday life can be expected to provide an enduring basis for loyalty to their constituents. The narratives have culled these specific aspects out of the rich secondary literature on the six regions that illustrate this core argument about the causality of governance.

In the subsequent chapters, the nature of policy initiatives, institution building and negotiations that facilitate governance is analysed with reference to the role of the police, civil administrators and political parties. To set this discussion in context, let us briefly examine the relationship between some indicators of welfare and their causal links with the quantitative indicators of governance. The correlation of governance and public policy, particularly with regard to poverty, health, education and turnout, are among these key considerations that are believed to play a crucial role in governance (Table 4.2). The data are generated from linear interpolation for those indicators that are available only in the form of a decennial census (literacy), quinquennial averages (turnout) or annual averages (murder, riots, poverty).

The multiple correlations confirm some expected results but yield some surprises. Poverty, both rural and urban (measured in terms of the percentage of people below the poverty line), confirming the relative deprivation hypothesis, has a positive correlation with murder and riots. Investment in health pays off in terms of lowering the level of murder and riots. But neither literacy nor turnout appears to have any direct causal relations with governance. The effectiveness of the machinery of government and structure of intermediation between the rulers and the ruled is examined in detail in the chapters that follow. Here, we shall only briefly consider the consequences of public policies, legislative initiatives and the quality of their implementation, and, most important of all, trust in the institutions of governance as perceived by a cross-section of the population, and their consequences for orderly rule (Table 4.3).

Looking at India's regions across time and space (Table 4.3), one notices three different clusters. In the first are Bihar and Tamil Nadu, both

Table 4.2 Infrastructure and governance: multiple correlations ($N = 275$)

	Murder + riots	*Turnout*	*Poverty (rural)*	*Poverty (urban)*	*Literacy*	*Health*
Murder + riot	1	–	–	–	–	–
Turnout	NS	1	–	–	–	–
Poverty (rural)	0.73**	NS	1	–	–	–
Poverty (urban)	0.53**	NS	0.78**	1	–	–
Literacy	NS	0.33**	−0.63**	−0.62**	1	–
Health	−0.15*	NS	−0.58**	−0.65**	0.44**	1

Source: Statistical Abstracts of India (Government of India).

Key
NS: Not significant, at least at 0.05; * significant at 0.05; ** significant at 0.01.

Table 4.3 Attitudes, political culture and governance (percentages)

States	*Issue*							
	4.1	*4.2*	*4.3*	*4.4*	*4.5*	*4.6*	*4.7*	*4.8*
	Religious tension decreased	*Violence disapproved*	*Parties help*	*Efficacy*	*Legitimacy*	*Finance improved*	*Trust in police*	*Law and order*
Punjab	41	52	17	51	60	42	5	56
West Bengal	38	76	62	68	79	25	12	24
Bihar	41	39	27	62	70	20	11	16
Tamil Nadu	40	59	53	67	54	23	10	13
Maharashtra	45	64	40	47	77	28	12	23
Gujarat	51	58	45	35	48	28	5	24
India	43	65	43	59	69	29	13	25

Source: National Election Study, 1996.

Key
4.1 Tension between different religious communities has decreased. Do you agree to this or disagree? (Agree)
4.2 People hold different opinions about struggle. Some people say that struggle, even when it leads to violence, is a proper method for the people to fulfil their demands, while others say that struggle is not a proper method if it leads to violence. How do you feel? Is struggle leading to violence a proper or not a proper method for fulfilling people's demands? (Violence is not proper.)
4.3 How much in your opinion do political parties help to make a government pay attention to people, a good deal, somewhat or not much? (Good deal + somewhat)
4.4 Do you think your vote has an effect on how things are run in this country or do you think your vote makes no difference? (Vote has an effect)
4.5 Suppose there were no parties or assemblies and elections were not held. Do you think that the government in this country could be run better? (No)
4.6 During the last few years, has your financial situation improved, worsened or has it remained the same? (Improved)
4.7 How much trust do you have in police – a great deal, somewhat or no trust at all? (Great deal)
4.8 Thinking about the last ten years, would you say that the law and order situation in your area has improved, deteriorated or remained the same? (Improved)

of which are well below the national average in terms of the deterioration of law and order. The percentage of people disapproving of violence as a legitimate political weapon in Bihar is well below the national average (as indeed in Tamil Nadu, though there the gap is less spectacular). Trust in the police in both is lower than the national average, as is the case with the perception of the financial situation. However, the sense of personal efficacy is higher than the national average. All these point towards a tendency to resort to self-help rather than feeling constrained by norms of orderly behaviour.

West Bengal is an interesting case in point. In terms of all the crucial correlates of governance, such as disapproval of violence, decrease in religious tension, helpful political parties, efficacy and legitimacy, the perceptions of respondents from this state point in the 'right' direction. In terms of both riots and murder, it was a model state during the 1990s (Tables 2.6 and 2.7). Nevertheless, in terms of the perception of law and order, West Bengal is just below the national average. The explanation of this hiatus between what one might expect and the perceptual reality can be accounted for by the 'decade of chaos', which is a still fresh memory for many, to the point where the impact of sporadic inter-party clashes or spectacular acts of violence (like the Bappi Sen murder discussed later in the book) tends to be much larger than it might be in Bihar or Tamil Nadu.

The second cluster of regions included Maharashtra and Gujarat, where the 1996 survey findings produce a level of governance not too different from the national average but where the sense of personal efficacy is lower than the national average, perception of financial well-being is better than the national average but the crucial difference lies in the perceptions concerning legitimacy of the political system. Maharashtra, with an approval rate of 77 per cent, is well above the national average, whereas Gujarat, at 48 per cent, is well below, signifying the greater readiness to resort to violence as an effective tool of politics, as compared to Maharashtra.

Punjab turns out to be a 'cluster' by itself, by the sheer fact of the steep rise in violence after Operation Bluestar and, starting in the early 1990s, the increase in the perception of the improvement in law and order, signifying the return of orderly rule from the abyss. Punjab's murder statistics for the 1990s (Table 2.6) were the highest of our six states and consistently higher than the national average. Still, there is no denying the positive perception compared to the past. This is not backed up by the other enabling variables, such as personal efficacy, the efficacy of parties as intermediary institutions, trust in the police and legitimacy. The result is a context where the calm on the surface belies the fragile foundation of the institutional arrangement of order.

The relationship between elite cohesion and governance is one of the themes emerging from the comparison of narratives that effectively complements the neo-institutional model (Figure 1.5). The presence of a cohesive elite, operating in a path-dependent political environment that has

given its members both a purpose-designed regional boundary and purpose-built political institutions such as cooperatives and panchayats that connect competing parties, sets apart states like Maharashtra and West Bengal from others where the same constellation of enabling factors is not present, with predictable consequences. Of course, path dependency does not need to amount to political path slavery: ruling elites can, to an extent, create an institutional environment that acts as a power and authority multiplier. Ruling groups everywhere, for example, seek to develop a system around their power that serves to give it a semblance of authority. Heterogeneous bodies like the British Empire, and its successor, the Congress system, built institutional 'lock-ins' that served the functional needs for turning power into authority with the minimum use of force. Such a symbiosis between sections of the elite on the one hand, and the ruler and the ruled on the other, when it works, can sustain orderly rule with minimum fuss. But in politics, homeostasis can at best be an ideal type, and an imperfect analogy. What works for nature does not quite work in the same way for society. 'No privilege is inherently legitimate and no authority exists uncontested,' Washbrook comments, judging from the inability of the Dravidian ideology to sustain the power of a specific group. '[T]he merest sight or smell of privilege in any area of society instantly provokes antipathetic responses among those who see or smell it' (1989: 227). In the long view of India's state politics, ideological devices like the glorious memory of Maratha rule, the secular solidarity of KHAM or the abstract revolutionary logic of the revolution of the Left Front in West Bengal appear like the unfolding acts of a political drama where the pendulum swings from an elite-induced hegemonic order to its contestation in the form of movements, riots, *melis*, *gheraos*, boycotts and the myriad other 'weapons of the weak' available to political man.

I have attempted to show in each of the analytical narratives how modern institutions have shaped the raw stuff of politics into forms that can sustain orderly rule, and how, simultaneously, local context and culture have sought to adapt general norms to their specific situations. The most crucial of the institutions is the regional boundary itself. Form affects content. Still, one must be wary of hasty generalisations. The positive correlation between the history of region formation and the orderly tenor of politics, strongly visible in the case of Maharashtra, does not hold in Gujarat and Punjab. The fact that the same has not happened is a necessary reminder of the complexity of regional politics. Clearly, no amount of boundary making or institutional arrangements can take away from politics its violent potential, or stymie political strategies of desperate actors in pursuit of political goals, capable of letting loose utter chaos and unspeakable misery in pursuit of those goals. How policing, political leaders, administrators and makers of constitutions cope with the challenge of keeping politics orderly is the main theme that I shall pursue in the chapters that follow.

5 Policing and strategic reform

Culture, context and welfare in the organisation of order

The problem stated

Punishment is the usual deterrent against transgression, but not, as the romantic lore and legal minutiae of crimes of passion remind us, in the case of dire need. European magistrates and police,[1] as we learn from Tilly (1975b), usually acted with a combination of force and persuasion in the face of hostile crowds. As the mailed fist of the modern state, they often found themselves at the interface between the limited supply and the overwhelming demand for scarce goods, both material and moral. The classical art of order making drew as much on collective welfare (as understood in the temporal context) as on individual sanctions. I probe into this complex and ambiguous relationship of sanctions, perceived welfare and orderly rule in this chapter.

With food and public order as his focus, Charles Tilly shows the violent consequences of transforming local grain markets into cogs in the wheel of the national and international market economy in nineteenth-century Europe in terms of an exquisite collage of three cities.

> The crowd invaded the bakers and grain-merchants, sacked their shops if they resisted selling all they had at the posted price, or if they did not have enough to sell. The troops came out. Four men were hanged. And Milan returned to tranquillity.
>
> (1975a: 382)

Identical scenes which repeated themselves in Paris and East Anglia, England, provide a backdrop against which to understand the crowds and police in the context of contemporary India. While the tragic irony of which Barrington Moore reminds us still holds true, that the poorest and most vulnerable must pay the price of progress, the police and their adversaries of our times can call on resources and face handicaps that were not available during the first round in the unfolding drama of state formation and the empowerment of marginal social groups (Thompson 1963, 1991; Gilmour 1992). The police today can call on better technical equipment,

just as the state can move in emergency rations from the strategic reserves stockpiled all over the country; and the potential victims of progress have recourse to national and international organisations, relief agencies and the judiciary in a manner that would be beyond the imagination of the defenceless victims of galloping modernisation in the fields, mines and factories of nineteenth-century Europe.

Policing and governance

I pursue these complex issues that link policing and governance in this section. The analysis draws on the rich secondary literature as well as on the voluminous material made available by the Home Ministry of the Government of India.[2] But most particularly, I have made extensive use of my conversations with regional elites on aspects of policing. These interviews, chiefly those with senior police officers, redolent with accents, accoutrements and accounts of policing of a bygone era, are different in tone and content from the interviews with younger officers, representing the starkly different attitude of the younger generation.[3] Still, despite the diversity of region, generation and, increasingly, gender and social background, the Indian police function within a national framework bound by a shared legacy, common police manuals and a structure of overall coordination. As we see in the excerpts from an extended interview later in the chapter, despite some spectacular lapses, low public trust and a bad press, the police in India have shown themselves capable of effective action,[4] and innovation. The insights that one gets from elite interviews and statistical analysis discussed below are a contrast to the general cynicism about the police in India. Trust in the police (cross-sectional analysis, National Election Survey, 1996, Table 5.4), is lower than confidence in other public institutions. Does this indicate a basic problem with regard to police and political order, or is the hiatus between elite belief in police effectiveness as a tool of governance (Table 5.6) and public distrust in the police a reflection of the gap between state and society with regard to the use of force in sustaining orderly rule? I analyse some of these issues in what follows by juxtaposing elite opinions and popular attitudes.

Though the police, as 'an organization authorized by a collectivity to regulate social relations within itself by utilizing, if need be, physical force' (Bayley 1975: 328), are of relatively recent vintage, the functional relationship of policing and order is 'ubiquitous in human society' (ibid.: 329).[5] As intelligence gatherers, coordinators of movement in potentially conflictual situations and organs of the state authorised to impose sanctions on those engaging in errant behaviour, the agents of law and order have been the subjects of considerable scholarly interest (Foucault 1991; Gilmour 1992; de Jouvenel 1945). However, while consensus on the salience of the police in maintaining orderly rule is easily arrived at, basic disagreements still lurk under the surface. How exactly do culture and history blend into

institutional arrangements of order? Do culture and context limit the scope of policing (Greenough 1982; and see the discussion later in the chapter)? Finally, if policing is functionally necessary to order (to cope with the potential for criminal self-help in all interpersonal transactions, as suggested by the 'stakeholder's dilemma'; Figure 1.2), then why does the effectiveness of policing, as we see in the regional narratives of the previous chapter, vary from one context to another?

The moral ambiguity of power and the myth of police neutrality

Policing and the magistracy are the most visible though not always the most effective weapons against collective violence and the resort to criminal self-help. Parents, priests, unions, schools, neighbours and other agents of self-policing also act as tertiary keepers of order. They reinforce central authority by setting limits to minor acts of rule infraction. But the onus of the ultimate sanction still remains with the police as the main agent of enforcement.[6] However, unlike other public services, such as the fire brigade, hospitals, universities and sewage disposal, the agents of law and order do not enjoy the unquestioning acceptance of a grateful public. The classic question 'Keep your wife under guard, but who will guard the guardians?' elicits a cynical response: 'Unless the Lord watches over the city, the watchman stays awake in vain' (de Jouvenel 1993: 7).

Scepticism regarding the role of the police and political order can be attributed to a basic contradiction between two facets of the modern state. The legitimacy of the state derives from its claim to be the neutral arbiter between competing social forces. But the neutrality of the police, its principal agent of enforcement, remains suspect. In historical hindsight, the problem dates back to the early stages of state formation, when the police were required to work as an agent for enforcing faith. Religious foundations of the state were one of the principal reasons for the organisation of a police force in the first place.[7] Hence, while the neutrality of the police force and its ability to uphold the law regardless of rank are considered essential to the legitimacy of the state, the political neutrality of the police, who are vulnerable to pressure, corruption, bigotry and bad management, remains the Achilles heel of the modern state.

As we have already seen in the regional narratives, far from being the neutral enforcer of norms, the keepers of order can become 'deeply involved in partisan politics; preoccupied with it, penetrated by it and . . . participate individually and collectively in it' (Bayley 1983: 484). The insights Bayley provides to explain why the police might not be neutral are particularly relevant to the context of changing societies:

> Police forces are more likely to play an active role in politics if social violence accompanies state or nation-building, if mobilization

> demands at the time of state-penetration . . . occasions popular resistance, if the political system is unable to accommodate without violence demands for increased political participation, and if there is a cultural insistence upon right-belief.
>
> (ibid.: 363–4)

Referring to the case of India, he comments, 'Politicisation of the police has contributed to what is generally recognized as a decline in the rule of law' (ibid.).

This ground reality of incessant challenge to the power of the dominant groups is recorded by theorists of contestation such as Scott, Thompson and the older Tilly (1985), who testify to the low-intensity war between the state and subaltern social groups. Lukes (1974) gives this thesis a further twist when he asserts how power, putatively invincible, still requires the complicity of the powerless, who thus set limits to power. It takes more than the fear of punishment for the rational actor to keep to the narrow and straight path of rule compliance, for in the final analysis it is popular perception of law and order *management* that holds key to governance.

'Indulgence and abundance':[8] a 'cultural model' of why people do not always rebel

The Bengal famine of 1943, in which an estimated 3 million people died without so much as a single recorded case of food rioting, is one of the most poignant cases of non-rebellion in the face of great adversity. That makes it the most famous example of the idiosyncratic role of culture in India's governance. 'Food of all sorts lay before their eyes but no one attempted to seize it by force,' writes Greenough. The attitude of the victims of famine was one of utter resignation; the only explanation they could find for their misery was fate. He cites an English medical officer, giving his testimony to the Famine Inquiry Commission, who asserted that it was due to the passive, fatalistic attitude of those people that there were no riots (Greenough 1982: 266–7).

In cross-cultural comparison, just as the power of peasant rebellions becomes an enduring concern for students of governance in China, their Indian counterparts must respond to the puzzle of Indian passivity in the face of similar provocation to life and dignity. The history of colonial rule, where 'so few ruled so many with so negligible use of force', is a pointer towards something akin to the Indian *mentality* when it comes to compliance with power. Could the post-colonial state of India, by relying exclusively on the police with regard to the keeping of law and order, rather like its colonial predecessor but lacking its political distance from society, be following the wrong 'cultural' model?

In case one misses the point of Indian passivity, the Abbé Guillaume Raynal, intrepid traveller and radical French priest, contrasts popular

reaction to the Bengal famine of 1770 to what might have happened in the European context:

> But it is still more remarkable ... that amidst this terrible distress, such a multitude of human creatures, pressed by the most urgent of all necessities, remained in absolute inactivity and made no attempts whatever for their self-preservation. All the Europeans, especially the English, were possessed of magazines [i.e. stores of grain]. These were ever respected, as well as private houses; no revolt, no massacre, nor the least violence prevailed. The unhappy Indians, resigned to despair, confined themselves to the request of succour they did not obtain, and peacefully awaited the release of death. Let us now represent to ourselves any part of Europe afflicted by a similar calamity. What disorder! What fury! What atrocious acts! What crimes would ensue! How should we have seen among us Europeans, some contending for food with their daggers in their hands, some pursuing, some flying, and without remorse massacring each other! How should we have seen [them] at least run their rage on themselves, tearing and devouring their own limbs, and in their blindness of despair, trampling underfoot all authority as well as every sentiment of nature and reason![9]

A liberal penchant for deriving order exclusively from consent and material welfare, and, consequently, a distaste for force as the basis of orderly behaviour, are common to the way in which large and influential sections of Indian elites and media formulate the relationship of police and political order. The issue is further complicated by a rich seam of anthropological literature which finds the basis of order in a culture of compliance (Greenough 1982), making India the happy hunting ground for orientalists old and new. In view of the strong current of the cultural basis of order, the application of the Europe-derived model of policing and order to the Indian case is open to controversy. Finally, the historic context of the founding of the post-colonial state as result of a 'transfer of power' from the colonial rulers makes police neutrality even more suspect. At independence, the hand-spun *Khadi*, long the emblem of non-violent resistance to British rule, got ensconced in office as a symbol of the Congress Party, whose democratic power became contingent on 'getting the vote out' and hence, on reliance on the police, and on unruly sections of society being kept off politics by a combination of colonial authority and Congress reluctance to accommodate them in course of the freedom struggle.

Post-Said (1978), one tends to be a little wary of the historical authenticity of Western travelogues.[10] What we cannot dispute is the authenticity of the discourse as an indication of the intention of its author. 'Raynal's rhetorical excess correctly expresses the French revolutionary discourse of his own time: "Hungry men rebel". His informants saw just as clearly that

hungry Bengalis "did not rebel"' (Mitra 1992: 176). Underpinning this outward passivity of the Bengali peasant, Greenough argues, is a deeply ingrained belief in the munificence of Lakshmi, the giver of plenty, creating in effect a patron–client relationship:

> In its simplest form there are two situations only: the givers and receivers of rice and in times of crisis the peasant's reflex is to seek refuge in the patron–client relationship, to search for new patrons or to wait in patience for Lakshmi's gifts to be restored.
>
> (Thompson 1991: 345)

But inert bodies do not necessarily indicate inert minds. The post-behavioural and now the post-modernist scholarship of collective protest knows better than to infer preferences from behaviour, or to exclude the possibility of strategic abstention from action that earlier scholarship had dismissed as mere passivity. One need only consider the evidence of anthropological fieldwork from a new angle. Thus, Bailey attributes peasant passivity to a front that the peasant puts up to fend off the prying and avaricious outsider;[11] Scott accounts for peasant conservatism and risk-averse behaviour in terms of long experience of adversity.[12]

The Bengal famine of 1943 is not an isolated instance. Thompson notes the apparent passivity of the victims of famine in the Bengal famine of 1866, when 'many a rural household starved slowly to death without uttering a complaint or making a sign', 'just as there are tales of the West of Ireland in 1847 where whole families walled themselves up in their cabins to die'.[13] But outward passivity in the face of provocation can be deeply deceptive. Rather than a culture of compliance, the same examples can be seen as action of a different kind, where rage is turned inwards, against children, wives, subordinates, dependent on the father, husband or the master, providers of comfort, security and succour in normal times. Given a different context where some form of coordination among those subject to humiliation or deprivation exists and overt action appears rewarding, those same compliant people can rise in rebellions, uprisings and *melis*. In Bengal itself, barely two years after the famine, as we learn from Suranjan Das (1993) and Anita Inder Singh (1987), violent communal riots left a bloody trail in collective memory. There is no cold rage against the dependent wives, children or tenants here, but only violent rioters, mobilised by political parties and religious leaders, wreaking vengeance on adversaries, acting out of memories of violence, rage and trauma.[14]

Rulers and guardians: keeping order under colonial rule

The institutional mechanism that the British improvised during the formative years of colonial rule was marked by an avid export and import of knowledge of governance between the two different contexts: disorder at

home in England and on the Continent, and their first experiences of order and anarchy in India. There was no shortage of popular discontent and disorder, and social transformation, in England during the eighteenth century. The picture that we get from Sir Ian Gilmour's *Riots, Risings and Revolution: Governance and Violence in Eighteenth-Century England (1992)*[15] would be familiar to students of contemporary Indian politics.[16] While in many of the eighteenth-century English riots one social group vented its anger against another, the state was often embroiled in them, sometimes directly.[17] If the state itself was the target of civil violence, the other noteworthy feature of these riots was the outright inaction or lukewarm performance of the organs of law and order in putting them down. Tilly (1975a) and Hobsbawm (1959) inform us of the history of social dislocation, political conflict and state formation, manifesting themselves in food riots and other challenges to public order throughout early modern Europe. The historical hindsight should help us understand the political nature of these riots (as opposed to the view that riots and lawlessness are more likely to appear within specific cultures), which left a historical residue in the form of the legitimacy of popular protest and the combination of redistributive policies and law and order management with which the state sought to cope with it.

Thompson sums up the historical lessons of collective violence in the form of the knowledge of riots that incrementally found its way into the public sphere:

> Riot is usually a rational response, and it takes place, not among helpless or hopeless people, but among those groups who sense that they have a little power to help themselves, as prices soar, employment fails, and they can see their staple food supply being exported from the district.
>
> (1991: 264–5)

If a collective experience of hunger or affront to dignity are necessary conditions for riots, then a triggering mechanism suffices to set it off.

> Riot, itself a clumsy term which may conceal more than it reveals, is not a 'natural' or 'obvious' response to hunger but a sophisticated pattern of collective behaviour, a collective alternative to individualistic and familial strategies of survival. Of course hunger rioters were hungry, but hunger does not dictate that they must riot nor does it determine riot's form.
>
> (ibid.: 266)

Faced with collective violence on this scale, the Western state developed coping mechanisms in the form of an ensemble of forces ranging between policing, strategic social and economic reforms, representation, evangelical

onslaught on violence as aberrant behaviour, and, particularly in the colonies, myth making in the form of the sturdy, simple, law-abiding peasant, which complemented self-serving paternalism.

India thus became a laboratory in which to experiment, to try out newly acquired knowledge of riot control at home, leavened with the currents of evangelical and utilitarian thoughts, but restrained by the prevailing doctrine of the free market from too explicit an interference with the market.[18] The British strategy for coping with disorder was threefold: firm and ruthless putting down of any challenge to authority, combined with legislation and the creation of new administrative organs to cope with catastrophes, and provision for material relief. This was supplemented by a system of intelligence gathering. The British succeeded early in their rule in identifying the main sources of intelligence, and established a monopoly control over them. The avid gathering and effective use of intelligence became another prop to the larger structure of governance under colonial rule, which continued as the British began the cautious process of indirect rule and introduction of limited franchise.[19] Following the mutiny, the British started a two-pronged strategy of co-option of the locally influential and propertied into their rule while perfecting the systematic collection of reliable intelligence.[20]

The British developed during the crucial century between Plassey and the Mutiny (1757–1857) the art of a two-way knowledge transfer, from state to society and vice versa. In normal times, the two sides knew enough of each other to develop a kind of recipe knowledge of the other and a patois through which the dialogue could continue. Thus, in the aftermath of the Mutiny of 1857 there developed in India a fully blown theory of colonial rule and, along with it, a theory of the colonial police. The emergence of a definite ethic of service beyond and above the will of any particular king or dynasty was matched by the idea of 'state', which existed beyond the household of the king: '*niche parameswar kewal sarkar*' ('beneath God only the state'). The class of literate specialists, with their dependent scribes, managers and runners, was the dominant feature of the Indian information order. The British tried to co-opt and make full use of it (Bayly 1996: 140).

The British had inadvertently discovered the sure foundations of India's state tradition and added their own share of myths to it. This colonial theory included imperial constructions like *thuggee* and *dacoity* departments, which top-sliced the colonial budget and produced their own brand of specialised knowledge. The colonial knowledge of governance found concrete shape in the form of precise and comprehensive legislation, the founding of the great IPC and CrPC. The effort was to standardise and codify existing custom, and innovate where no rules existed, drawing on both sacred texts and utilitarianism. Two narratives from Griffiths (1971) extolling the 'exemplary courage and sense of duty of individual police officers' provide an insight into the essence of this colonial canon with regard to governance.

Griffith's first narrative refers to an incident on the night of 23 January 1935, when 'a Sikh of Poona City shot dead a Mussulman and an Arab woman'. Mr O'Gorman, police officer, was

> summoned to the scene where he found that the Sikh had ensconced himself with a breach loading gun in a strong position on the top storey of a large building, occupied by a number of men, women and children, from which he commanded the common staircase. The Sikh threatened to shoot anyone who approached, and to have rushed the staircase would almost inevitably have led to heavy loss of life.

The attempts by the agents of law and order to bring the situation under control could have been a straightforward application of the great manuals of policing devised by the British and still in operation, except that the British officer, accompanied by a party of armed policemen, also recruited a Sikh priest in his attempts to make the suspect surrender. What followed appears to have been a combination of paternalist bravado and real-life orientalism:

> Finally however the Sikh [the suspect] told the priest to bring up the 'Sahib'. Mr. O'Gorman thereupon accompanied the priest to the top storey. There he discovered a passage leading to a room where the Sikh stood with his gun. In front lay the body of one of the murdered persons and, stepping over this, Mr. O'Gorman entered the room, calling out that he was unarmed and asking the Sikh to surrender, which he did. He had six live cartridges in his possession.
>
> The cool and patient manner in which Mr. O'Gorman handled the situation undoubtedly prevented further loss of life. He displayed admirable personal courage and power of leadership in himself incurring the great risk of going unarmed up the stairs to confront the armed murderer. Mr. O'Gorman has already been awarded the King's Police Medal with a Bar. He is now awarded a second Bar.[21]

The second incident discussed by Griffiths, from 1937 in Nander in the State of Hyderabad, is more complicated. The incidence focuses on the role of Hollins, who was the director-general of the police. The incidence appears to have started with two local Sikhs who had committed some petty crime, resisted arrest and escaped after injuring a police constable. They had then joined three other Sikhs, 'who had recently come down from the Punjab with an unsavoury reputation'. The group of five then took refuge on the roof of one of the outhouses adjoining the gurdwara and gave

> a religious colour to the affair by proclaiming that they would stay on the roof and resist arrest by force until certain imaginary religious

> grievances connected with the Gurdwara had been rectified. The news of this spread quickly through Nander, and a crowd of some 5,000 Sikhs, armed with *kirpans* [daggers] assembled in the courtyard of the Gurdwara. The five recalcitrant Sikhs stood on the roof of the out-house, in full view of the crowd, waving their swords and shouting that they would remain there until death or until their religious grievances were remedied.

The police were caught in a bind. As in the previous narrative, all attempts had to be made to avoid a bloodbath. This incident was particularly complicated by the apprehension that

> if firearms or force had to be used in the precincts of the Gurdwara the incident would be proclaimed an outrage against religion and Sikh *jathas* [bands] from the Punjab would begin to descend on Hyderabad to rescue their brethren in Nander.

Such an event would have done incalculable damage to the State of Hyderbad.

> Accompanied by the Nazin [District Magistrate], Iyengar, and the local Superintendent of Police, he [Hollins] went straight to the Gurdwara, pushed his way into the shouting, demonstrating crowd, took up a position on the steps of the shrine, and held up his hand for silence. For some minutes the demonstration went on, and it was a toss-up whether Hollins and his companions might not at once be swept away. In the end the crowd's curiosity – malicious curiosity, for the crowd was thoroughly hostile – prevailed, and it became silent. Everything depended on the next few seconds and on what Hollins might do or say. What he did was to shout loudly in Urdu, so that his voice was audible to the crowd as well as to the men on the roof: 'Stop prancing about on the roof like monkeys. Come down here and face me like men.'

Hollins appears to have been effective, for the crowd fell silent. Then

> Hollins shouted that if they had any religious grievances he would listen to each one and state his decisions on how they would be remedied, and that if they were not satisfied then the recalcitrant could go back to the roof-top. Incredibly, they did come down from the roof top and explained their grievances to the Sahib.
>
> (Griffiths 1971: 330–1)

Despite the occasional policing failures, like the Jallianwalabag massacre, the 'steel frame' of the Empire had held together through effective

policing of the kind that the narratives above suggest. In actual fact, more than from the bravery and judgement of individual police officers, its success derived from the fact that it was a part of much larger political arrangement whereby the colonial rulers were insulated from direct responsibility for issues of faith by native rulers and bureaucratic regulations. As we have already seen from the accounts of the collective violence that accompanied the Partition of India, once the political arrangement broke down, the police were not able to contain the outbreak of mass violence on an unprecedented scale. The tradition of a normative definition of crime and administrative steps to control it through the machinery of the state passed on to the successor state.[22]

The institutional arrangements of policing in India

The organisation of the Indian police 'according a single piece of legislation'[23] reflects its colonial origin (Bayley 1983: 484). The core of this apparatus is pyramidal in nature, with the Union government (technically, the president-in-council) at the apex, the state cabinet, particularly the Chief Minister and the Home Minister, in the middle and the district Superintendent of Police at the district level, below whom the line of command extends all the way down to the individual police station (*thana*) at the lowest level. The President of India, in addition, is also the supreme commander of the armed forces. In the event of the inability of the state to sustain lawful government, the second tier of the apparatus falls through and the central government, through the declaration of President's rule, becomes directly responsible for law and order. The convergence of the two armed wings of the state, responsible respectively for internal and external security, is not merely a formality. Increasingly, paramilitary forces and the Indian army have been inducted into internal peacekeeping. Post-independence India has rediscovered the colonial foundations of order through the joint operation of the army and the police, and has formulated a number of legal conventions to give it legitimacy.[24]

Law and order being a state subject, the regional governments have to lay down policy with regard to force strength and sharing information with like-minded state governments. One of the consequences is that there is little or no standardisation with regard to police strength and deployment. Variations in the number of policemen per million people reflect the diversity of practice (Table 5.1).

Since regional states are sometimes not in a position to ensure lawful government entirely on the basis of their own resources, despite their constitutional responsibility for law and order, the Union government has raised a number of paramilitary forces that are able to assist regional governments for the purpose of containing challenges to governance (Table 5.2). The modern state in India has built its security apparatus on pre-modern as well as colonial foundations by adding new forms of bureau-

Table 5.1 Police strength in the six regions

Year	*Punjab*	*WB*	*Bihar*	*TN*	*Maharashtra*	*Gujarat*	*India*
1967	1,704	1,054	767	871	1,118	1,554	1,223
1969	1,499	1,460	741	–	–	–	–
1971	–	1,504	–	1,047	–	–	1,289
1972	1,760	1,470	863	–	1,504	1,573	–
1975	–	–	–	–	–	1,405	–
1977	1,760	1,357	885	963	–	–	1,207
1978	–	–	–	–	1,498	–	–
1980	1,792	–	897	973	1,528	1,477	1,232
1982	–	1,355	–	–	–	–	–
1984	–	–	–	998	–	–	1,289
1985	1,849	–	890	–	1,596	1,571	–
1987	–	1,202	–	–	–	–	–
1989	–	–	–	–	–	–	1,310
1990	–	–	889	–	1,616	1,379	–
1991	–	1,100	–	1,140	–	–	1,331
1992	1,800	–	–	–	–	–	–
1995	–	–	862	–	1,514	1,485	–
1996	–	1,058	–	1,252	–	–	1,348
1997	3,099	–	–	–	–	–	–

Source: Statistical Abstracts of India (Government of India).

Note
The figures show the number of police officers per million inhabitants.

cratic and political accountability, and modern conditions of work. The Constitution of India has provided for police accountability in a variety of ways. First of all, reports have to be laid on the floor of Parliament following political interventions in domestic politics by the armed forces. In the second place, a number of vigilant civil liberties groups, the judiciary, the press and parliamentary accountability provide for a proper scrutiny of the use of physical force. The National Human Rights Commission and the Minorities Commission are two of the most active public bodies engaged in policing the police.

Compared to other public institutions, the police enjoy the least amount of trust. Their standing and neutrality were compromised by the National Emergency of 1975, which confronted many Indian police officers with the dilemma of having to act on orders that they believed to be improper and politically motivated. Some did not and were penalised, but others did, and even if they were punished in the brief Janata interlude (1977–80), they were quickly rehabilitated by the Indira Gandhi government that succeeded Janata. For Bayley, these political developments of the 1970s and early 1980s 'merely set the seal on a process of political manipulation that had been going on for some time' (1983: 486). Even at the local level, interference with police work appears to be the staple of politics, for 'law enforcement [is] clearly perceived as being crucial to politics. . . .

Table 5.2 Paramilitary forces in India

Organisation	*Size*	*Original role*	*Actual role*
Border Security Forces (BSF)	175,000; 158 battalions	Policing 7,200 km of India's border areas	About half are engaged in enforcing order in militancy-hit areas
Central Reserve Police Force (CRPF)	150,000; 134 battalions	Riot control and reinforcement of state police	As envisaged, but massively stretched. Were deployed in Aydhya, too.
Assam Rifles	35,000; 31 battalions	Entrusted with securing the north-eastern border	Mainly fighting insurgency under the army command
Indo-Tibetan Border Police (ITBP)	30,000; 28 battalions	To man the northern borders of India	VIP protection and quelling riots
Central Industrial Security Force (CISF)	90,000	Protection of government industries	As envisaged, except for occasionally protecting polling booths
National Security Guards (NSG)	6,500	Elite anti-terrorist units	VIP protection

Source: *India Today*, 15 April 1995: 97.

Political manipulation has led to a decline in discipline within the police' (ibid.: 487).

> Within the Indian Police Service, one rib of India's vaunted 'steel frame', there is now a pervasive sense of disillusionment and loss of élan. . . . Its members no longer feel that they are an important force moving India ahead socially, economically, or, more important, morally. Their sense of patriotic purpose has dwindled, and they have become fatalistically resigned to life in a system they no longer powerfully shape.
>
> (ibid.: 488)

Many other commentators have drawn attention to the politicisation of the police, suggesting that rather than being the enforcers of state neutrality, the police have made themselves the agents of specific political agendas.[25] The second allegation is that of criminalisation, which, in terms of its Indian usage, implies the complicity of the police, in alliance with social, economic, political interests or plain criminal gangs, in rule infraction.[26]

Relative merits: elite evaluation of the police as an instrument of governance

The results of my elite interviews help us evaluate the role of the police in governance, and also the low trust that people have in the police.

> Question: I would now like to talk about agencies that help in creating high governance. For each of them, can you please tell me how important they are in your opinion for ensuring high governance?

The perceptions of the elite survey (Table 5.3) support Bayley's assertion (1983) that the state governments carry the main responsibility for governance, followed closely by Parliament, assemblies and local governments, and, at the third level, by the central government. It is interesting to note that the army and the police receive a low score in terms of their perceived responsibility for governance, with only 20 per cent mentioning the army and 44 per cent looking towards the police as effective institutions of governance. When asked specifically about the police ('*In your State, how effective would you say the police are in promoting governance?*'), the state-level elite perceptions corroborate the pictures that one gets from the regional narratives. Thus, 70 per cent of respondents from Bihar do not regard the Bihar police as effective in promoting governance, compared to only 11 per cent in West Bengal and 15 per cent in Maharashtra when asked about their own state's police. When asked '*Why are the police not very effective in promoting governance?*', politicisation of the police is mentioned by 41 per cent as the main reason by India's regional elites (45 per cent in Bihar) compared to 20 per cent who blame police ineffectiveness on inadequate equipment and organisation.

The findings from semi-structured interviews with regional elites sustain the general perceptions that emerge from the regions. The results of a national survey (see Table 5.4) help complete the picture of the perception

Table 5.3 Institutional agents of governance: opinions of regional elites (percentages)

Agency	*Extremely important*	*Very important*	*Somewhat important*	*Marginally important*	*Not at all important*
Central government	59	26	11	3	1
State government	71	25	2	1	1
Local government	66	21	9	3	1
Judiciary	56	28	11	4	1
Bureaucracy	48	29	13	6	4
Police	44	30	17	7	2
Army	20	19	21	22	18
Media	38	43	12	4	3
Parliament/assemblies	69	20	9	1	1
Political parties	56	24	14	5	1

Source: Elite interviews, 1998–9.

Table 5.4 Popular perception of finance, violence, policing and law and order

	Punjab	*West Bengal*	*Bihar*	*Tamil Nadu*	*Maharashtra*	*Gujarat*	*India*
Financial situation has worsened	14	21	38	14	9	4	17
Not satisfied with present finance	24	41	51	23	20	24	30
Financial situation will get worse	10	10	11	7	8	2	9
Children will have worse financial outlook than respondent	22	31	24	15	23	25	22
Police attitude towards common people (has become less human)	33	49	49	55	40	47	46
Trust in the police (not at all)	72	63	69	44	53	54	57
Law and order in the area has deteriorated over the past ten years	1	20	22	15	9	5	13

Source: National Election Study, 1996.

of the police by the people. The findings of the national attitude survey show that the majority of Indians have very little trust in the police (the figure going up to 72 per cent in Punjab and 69 per cent in Bihar), and close to a majority find police attitudes lacking in the human touch. Commenting on the problems of the transition from the colonial to the successor state with regard to policing, Krishna (2002: 133), with his own considerable administrative experience behind him, reports that the material situation of the police and the magistracy might have regressed since independence, compared to other public services.[27]

Some of these challenges and dilemmas of policing in post-independence India come across from the transcript of my interview of a Bihar administrator, with a long experience of maintaining order at district level.[28] He is not sanguine about 'the law and order situation in the country as a whole over the past five years', which he believes has deteriorated, and agrees with the proposition that 'compared to five years ago, life and property are less safe than before'. About his own state, Bihar, he is more confident, for, given the option of rating governance over the past five years, he chooses the medium category (somewhat), comparable to his ranking of the bureaucracy and the police in promoting governance. Among specific problems of governance, he names 'highly inequitable distribution of resources', 'poor implementation of social and developmental programmes', and 'non-implementation of land reform measures', and as for solutions, his recommendations are, 'adequate opportunity of employment', 'education', 'health and nutrition', 'effective implementation of land reforms and rural development programmes' and 'comprehensive programme for flood control measures'. His long career in the administration has given him a good insight not only into the actual problems of his region, but also into its political leaders, who 'sometimes make unreasonable demands of him' – but then, he is obviously not out of his depth in dealing with them. The main interest of this interview is an incident that he narrates in response to our final question regarding a 'specific incident from his personal experience which involved a challenge to governance'.

> 1995. Respondent was DM of Katihar. One month before the elections two to three persons were murdered. Police arrived late. Victims were not good elements. One victim was the ringleader. Murderers were from the same group and the issue was distribution of the amount collected as ransom. All of them were aligned with the ruling party. It was converted into a political issue against police. People gheraoed the thana. The district administration was informed late by the police. (Definitely police were negligent in terms of patrolling and action.) Stone-pelting had already taken place when respondent reached the spot. (Topography: The thana was situated at a lower level. People had congregated on the flyover and high-rise buildings.) The problem was with whom to negotiate. Problem was with whom to

communicate. Market was closed. We had reached in a hurry. We didn't have loudspeakers. People started throwing fireballs. People who had assembled and were taking part in all this were affiliated to the ruling party. Some rounds of firing by the police took place. One person was injured who later died. But later the incident was taken up by all the political parties. This led to my and my SP's transfer although the government had accepted our report and justified it. But we were not supported by any party – the ruling JD was joined by all other parties. No government wants to risk unpopularity. But administration has to take action. We often face such challenges.

Many Indian policemen in our elite survey took the easy way out by blaming the problems of effective policing on politicians, with some outstanding exceptions. In striking contrast, an interview with Mr Suresh Khopade, a much-decorated, innovative police officer from Bhiwandi, captures the role of community policing as an innovative method of enhancing governance. Khopade's views, as introspective as they were analytical, offer important insights into the challenge and potential for policing public order in India.[29] The full transcript of the interview reads:

[The] Respondent was in the CID, Communal Affairs branch, on bandobast duty in the town of Bhiwandi between 1985 and 1987. Bhiwandi, about 50 km from Bombay, is a poor town of about 7 lakh with Muslims comprising about 52 per cent of the population and Hindus 48 per cent. The town was communally highly sensitive with several riots over many decades. Between 1989 and 1991, respondent served as Deputy Commissioner there and undertook a study of the 1984 riot.

In the 1984 riot, 200 people were killed and property worth 7 crore destroyed. Only sixty-six of the 200 bodies were identified. Respondent studied the antecedents of these sixty-six people and collected information on the following items: subcaste, education, occupation, income, political party affiliation, communal party affiliation, newspapers read, record of participation in communal activities, temperament and how s/he was killed. It turned out that not a single one of the sixty-six persons possessed a criminal background. Wishing also to understand the antecedents of the perpetrators of the riot, respondent collected similar information on 243 people out of a total of 962 persons arrested. He was unable to contact the rest. Out of the 243, only 3.8 per cent had a criminal background. He came to the further conclusion that no 'foreign hand' such as Pakistan or Bangla National was behind the riot. So, basically, ordinary people were killed by ordinary people.

Next, respondent met with victims of the riot, especially women. Tulsi, an adivasi divorced woman, came from a tribal village in Thane district. She had come to Bhiwandi in search of a job and had found

one as [a] farm labourer. Her 17-year-old son worked as a hotel boy. They lived in a predominantly Muslim area. At the time of the riot, a crowd of two to three hundred people – chanting '*nare takbir allahu akbar*' – assaulted Tulsi and other Hindus. As her son came to her rescue, the rioters turned on him. One cut off his hand, a second cut off [his] legs and a third his head. The body was stuffed into a gunny bag, put on a heap of grass and put on fire. Tulsi had to watch all of this. In response to the respondent's question, Tulsi replied that it was 'karma' that her son died in this way. In another incident, a mob of four or five hundred people, chanting '*Jai Mahadev, jai Shivaji*', attacked a Muslim household. Chandbi, a stone-cutter in a quarry, who narrated the story to the respondent, watched as her husband and her sister's husband became unconscious. Then someone poured kerosene over their bodies and set them on fire. Chandbi said to respondent that she could only imagine that this was '*Allah ka marzi*'.

Respondent told the interviewers that there was a circular in Maharashtra that the head of police – Commissioner or Assistant Commissioner – would be held responsible for riots. But, questions respondent, how much control can they have over what causes riots? According to him, one has to look at the entire socio-cultural and especially the educational system to seek the causes. He enumerated the following points:

1 In history, we read about Mahmud of Ghazni. To every Hindu, every Muslim is a Mahmud of Ghazni.
2 'Social scripting' in the school syllabus. For example, we are taught that Krishna Devaraya, a Hindu, fought for Hindus. Likewise, Aurangzeb for Muslims.
3 Elections are based on caste and religion.
4 The law has lost its teeth. For example, in Thane, in 53 cases were registered under 153 AB and 293 IPC. Twenty-three of these were dismissed and those named under the remaining ones were acquitted.
5 People want deterrent action when there is actually a riot.
6 Out of the 962 accused in Bhiwandi, 961 were acquitted and the remaining person was later released on appeal. So, the upshot was that in a riot where 200 people were killed, only one person spent fifteen days in jail.
7 People's attitudes: Tulsi said that it was due to 'karma' that her son died in the way he did. Likewise, Chandbi attributed her husband's and sister's husband's deaths to '*Allah ka marzi*'.

In order to prevent future riots, respondent undertook two schemes in Bhiwandi. This became known as the *Bhiwandi experiment*. The

schemes were as follows: (1) '*Ek din tumhara baki din hamare*' ('one day yours, the rest ours'); and (2) Mohalla peace committee.

The first scheme, '*ek din tumhara, baki din hamare*', mainly had to do with the order and supervision during religious festivals, both Hindu (such as Ganapati) and Muslim (such as Id). The first day of the festival, the police would not take any action and merely watch and note. Starting the next day, they would take action if necessary. For example, they would register cases for minor matters such as throwing gulal improperly. Before the next upcoming festival, police would bring in all such minor 'criminals' from the previous festivals, question them and collect information. They repeated this procedure for each successive festival so that eventually all these people, who were basically innocent regular folk who had just got caught up in the process and excitement of the moment, got tired of having to come to the police station and understood that all this hassle was only due to some small misdemeanour and did not want to repeat it. Further, the celebration of the festivals themselves became more time bound and orderly.

The second scheme – the Mohalla Committee – was organised in the following manner. Respondent wanted to bring rioters and their victims and their families together. It was known that both Tulsi's son and Chandbi's husband had been killed by their neighbours. About seventy committees were set up. Criminals and communalists were kept away. Each committee had fifty Hindus and fifty Muslims as members and were representative in terms of gender and occupation. A sub-inspector was put in charge of each committee and was asked to call a meeting every fifteen days in the mohalla. The meeting was also open to all. The results were as follows:

1 Frequent interaction promoted harmony.
2 Small cases which did not come to the attention of the police were settled by the committee (and much better than the Supreme Court could, according to the respondent!)
3 The intelligence-gathering mechanism of the police got better since the sub-inspector would now have 100 friends in the mohalla!
4 There were attitudinal changes in the police organisation itself as a result of more frequent interaction with the people.

Respondent noted that the schemes appear to have succeeded as there were no Babri-related riots in Bhiwandi. The Government of India has also taken cognisance of respondent's efforts and [is] getting similar schemes incorporated in other states' police machinery.

The message that comes across strongly from elite interviews is that policing encompasses the need for state–society collaboration. The inno-

vative Bhiwandi experiment actually confirms the value of community policing. The model of the 'Bobby on his beat' that Khopade intended to implement needs to develop different skills of intelligence, communication and persuasion as well as the use of force; it is a different, and challenging, form compared to the armed, garrisoned police, who are usually brought out *after* the outbreak of disorder.

The above arguments point towards the quintessentially political character of collective violence, anchored in a sense of collective grievance, triggered off by a catalytic factor and facilitated by loose policing.

> Communalism as an ideology is the ultimate source of all communal riots. The beneficiaries of this ideology are also its promoters who seek to achieve certain personal or group interests by *articulating the secular needs of the community on communal lines*. When demands raised on communal lines are even considered, let alone accepted by the government, it is not so much the community which benefits but the few communalists who use the occasion to build up their image in the community.[30]
>
> (Rajgopal 1987: 23; emphasis added)

The other inference one can draw from the data is the relative as compared to the absolute salience of the police to orderly rule, for challenges to governance, as a quintessentially political phenomenon, are born deep within the society and the economy (Table 5.4). However, as Thompson reminds us, while food rioters were hungry, it is not the case that hunger necessarily leads to rioting. The actual outbreak of collective violence is mediated by a number of institutional variables, which gives the state the room to manoeuvre. Intelligent and responsive states use this potential for strategic reform in the social and material conditions that underpin governance.

Strategic reform: room to manoeuvre in the middle

Just as rapid structural change in the economy and social mobilisation put police neutrality under strain, so does the state seek to neutralise the ensuing challenge to its authority by undertaking strategic reform of the economy and social relations. Reform and policing thus form the two faces of governance. Governance is critically conditional on the ability of modern institutions to accommodate traditional values and the effective implementation of social and economic reform of the kind that can meet popular expectations (Kohli 1987; Drèze and Sen 1995), and the difficult balance of force and co-option for the management of law and order. Of equal importance is the commitment of the state to individual rights as the cornerstone of democracy rather than the derivation of legitimacy from some predefined ideological, cultural or religious essence.

The triangular relationship of the economy, society and the police remains essentially problematic in the context of a post-colonial state. As is indicated in Chapter 1 (Figure 1.5), accelerated political mobilisation in the context of a hierarchical social structure and subsistence economy spreads the consciousness of inequality. Hierarchical relations, which in the past might have been seen in some sense as natural, are contested by upwardly mobile social groups. The political consequences that emerge from this conflict are variable. In a society where the political process provides room to manoeuvre,[31] deprived social groups give vent to their resentment in a variety of ways. If the elites in charge deny the opportunity for articulation and aggregation of the demands of deprived groups through a combination of force, fraud and constitutional manipulation, the result may be a temporary lull in the extent of manifest social conflict (reminiscent of the drop in the riot–murder index during the Emergency, as we see in the regional narratives). But history warns of the long-term implications in terms of angry explosions, with disastrous consequences for political order.

The core issue here is the conflict between mobilised, empowered, enraged groups of citizens and the state. As protest mounts, the ability of the state to impose rules that are fair, transparent and comprehensive, neutral and effective, declines. The decline of governmental effectiveness (of which the analytical narrative of Bihar is a good example) is a self-sustaining, downward-moving spiral, for the short-term success of a specific group in benefiting by breaking the rules only encourages similar demands in others, multiplying the state's inability to locate itself over and above the groups in conflict.[32] Once the state itself is the target, the neutral profile of its public institutions becomes seriously compromised.

Under the leadership of Jawaharlal Nehru, the Congress 'high command' had committed itself to the norms of social democracy. The 'freedom at midnight' speech spelt out both the ultimate objectives of independence and the political means of attaining them.[33] The political and administrative resources at the disposal of the government headed by Nehru were, however, the result of a compromise between many sets of contradictory values and interests.[34] The departure of the colonial rulers and the creation of the Republic formally barred Princes and zamindars, arch-enemies of the Congress-sponsored vision of independence, democracy and modernity, from a formal presence within the executive. However, many of them were brought back to power through the logic of the electoral process, which inevitably seeks out the wielders of social and economic power as pedlars of influence and hence potential recruits to the circle of the political elites. Thus, unlike in revolutionary countries such as China or war-ravaged societies like South Korea, independence and the transfer of power created no major dent in the structure of social power in India. Nor did it affect the form of its administration. The police and bureaucracy maintained structural continuity with the past, perhaps more

effectively in some contexts such as Bihar, but less so where, as in West Bengal, radical political change made the difference.

In the event, the burden of administrative implementation of Nehru's vision fell on people who did not necessarily share either the values or their political implications.

Finally, the political context of economic decision making was to be composed of the complex structure of a mixed economy, where the state and private capital were to enter a partnership, with the state providing the long-term vision and investment in areas of the economy that were vital for the whole but were unlikely to yield immediate profits, and the private sector providing the link between investments and the efficient production and distribution of goods and resources.

In theory, the constitution committed the state in unambiguous terms to a concept of citizen entitlements. Drèze and Sen comment:

> Expansion of basic human capabilities, including such freedoms as the ability to live long, to read and write, to escape preventable illnesses, to work outside the family irrespective of gender, and to participate in collaborative as well as adversarial politics, not only influence the quality of life that the Indian people can enjoy, but also affect the real opportunities they have to participate in economic expansion.
>
> (1995: vii)

The process of democratic empowerment was meant to hold the key to both state-initiated reform and government-sponsored policies of redistribution. Drèze and Sen add:

> In a multi-party democracy, there is scope for influencing the agenda of the government through systematic opposition and the need to examine the priorities of public criticism is as strong as is the necessity that the government should scrutinize its own relative weights and concerns.
>
> (ibid.: vii–viii)

The constitutional structure bore the marks of the compromise in terms of sharp measures of control, holding enormous potential for bureaucratic power over the economy and society, and a series of exceptions whereby interest groups, operating through politicians, could forestall regulation and accountability, slowing down the economy as a whole. The fundamental rights to property and occupation were thus hemmed in by a number of restrictions in favour of equalisation of chances, and economic reform.

When a reform-minded elite provides the institutional space for marginal and deprived individuals to exercise their rights to economic democracy within the political space of the system, it injects much-needed

governance into the system. In order to test the conjecture that this might explain the relative success of India in retaining both incremental change and democracy, the crucial evidence we need here is the attitudes and perceptions of individuals aware of their own marginality and their heightened aspirations out of life. Among other matters, we next examine the implications of cumulative deprivation with regard to participation and the sense of efficacy, mainly to be able to see what the mobilised deprived actually do and how they evaluate the institutions of state.[35] Our attitudinal survey measures the differential impact of reform on the perception of their economic situation and, as such, assesses the level of the necessary condition of all rebellion, namely, their level of relative deprivation, with the help of a battery of four questions on the perception of the financial present, past and future (Table 5.4).

With the regional narratives as a background, the findings help situate Bihar and Maharashtra as contrasting exemplars of the combination of successful reform and policing in the latter and the failure to achieve the same policies and institutional arrangements in the former, with predictable consequences for the perception of law and order, deterioration to the tune of 22 per cent in the former compared to only 9 per cent in the latter. The joint impact of the perception of the financial situation (measured in terms of a scale created by adding up the responses to the four financial questions in Table 5.4) is analysed in Table 5.5. As the sense of satisfaction with the financial situation goes up, the perception of the state of law and order also goes up. The coefficients for the two policing variables, namely, the perceived attitude of the police towards the public and trust in the police, are both positively related to perceived law and order. The table thus indicates the complementary role that reforming and policing play in generating governance, to the extent that one can judge from the perception of law and order.

Let us turn next to the causal relationship between the perception of governance by the regional elites and their perception of governance (‘*Would you say governance in your state over the past five years has been high, medium or low?*’). Table 5.6 offers some interesting insights. The significant negative coefficient of −0.197 shows that elites do not consider the police (compared to other institutions) to be an important factor in ensuring governance in the state (corroborating the findings of the elite survey, Table 5.1). Strengthening the police force by itself is not considered a positive step in so far as governance is concerned. Police accountability does not produce a significant coefficient, indicating the complexity of the issue. However, to the extent that the police are seen as effective, their contribution to governance is both strong (0.434) and significant. This is the most crucial insight that the statistical analysis of elite attitudes produces. The perception of law and order management is its equivalent in the survey of the mass public, and is tested for its contribution to governance later in the text.

Table 5.5 Multiple regression of cross-sectional perception of law and order with financial and policing variables (standardised beta weights/states)

	Punjab	*Bihar*	*West Bengal*	*Tamil Nadu*	*Gujarat*	*Maharashtra*	*India*
Combined financial outlook	−0.135	0.048	0.105**	0.112**	0.337**	0.268**	0.168**
Police attitude humane	0.198**	0.177**	0.143**	0.045	0.188**	0.072*	0.117**
Trust in police	0.015	0.090*	0.184**	0.113**	0.137**	0.151**	0.119**
Corrected R^2	0.053	0.051	0.092	0.029	0.214	0.109	0.071

Source: National Election Study, 1996.

Note
* Significant at 0.05, ** significant at 0.01 or less.

Table 5.6 Multiple regression of the perception of governance by regional elites ('governance is high') with policing strategies

Independent variable	*Coefficient*	*Significance*
Strengthening the police force by giving them better equipment and more training	−0.233**	0.003
Holding the police accountable for their actions	0.096	0.208
Giving the police more power	−0.002	0.975
The police are important for ensuring high governance	−0.197**	0.009
In your state, how effective would you say the police are in ensuring high governance?	0.434**	0.009
Corrected R^2	0.255	$F = 11.21$**

Source: Elite survey, 1998–9.

Note
** Significant at 0.01 or less.

Conclusion

Policing in the narrow sense of law and order management is necessary but not sufficient for the maintenance of public order. Homeostasis in the political arena, used as a conceptual tool for the analysis of order in the analytical narratives of regional governance (Chapter 4), is crucially contingent on the reciprocity of policing as an effective agent of law and order, and strategic reform in the material conditions of life. The effectiveness of the police, in turn, depends on the credibility of sanctions that they impose on the lawbreaker, and the conditions of life that produce the urge to rebel. To paraphrase the extensive literature on reform, sanctions and governance, 'No reform, no order', but the opposite is also true: as we see in the fiasco of the belated attempts to reform by the *ancien régime* in France (Schama 1989) or of Ajay Ghose in West Bengal (1967–9, Chapter 4), a weak regime undertaking reform opens the floodgates to political chaos.

An ensemble of moral, cultural and material bonds bind people to the law, so that the agents of order can count on impulses other than those of fear, guilt, sin or shame as instruments of order. Successful policing is an act of trust of the powerless in the power of the agents of order, which, in turn, necessitates a blend of both the political economy and the morality of power. The perception of law and order management by ordinary people is a crucial variable in making governance possible.

A high level of trust in the police and a positive perception of law and order management are critically contingent on the perception of the police as politically neutral. Conversations with regional elites often convey a sense of sad nostalgia for the time when the British ruled [India] with an iron hand. These paeans of praise for British rule invariably carry a measure of self-blame and an admission of the inability on the part of

elites as well as ordinary people to sustain orderly, rule-abiding behaviour. The burgeoning literature on policing in India (including the nine-volume reports of the police commissions) accounts for India's policing failures by shifting the blame to politicians and politicisation of the police, police corruption, or that most unspecific of all variables, personal aberration and lack of will.

A perusal of the accounts provided by retired policemen as well as those in service in the course of my elite interviews reveals the layers of meaning that underpin these simple explanations. Our brief excursions into rebellion and subjugation by ordinary people in extraordinary circumstances, the coping mechanism of the colonial rulers for Indian conditions and the institutional legacy for the successor state reveal that successful policing is related to trust and the perception of effective law and order management rather than merely equipping the police with more power and better weapons.

Popular textbooks of governance such as March and Olsen (1989, 1995) that base their main conceptual apparatus on a smooth flow of the policy process within an institutional structure that can balance the different wings of government effectively draw their main rationale of governance from a 'lock-in' (North 1990) of individual interests and collective institutional arrangements. I argue in this chapter that while an interest-based approach to governance is necessary, it is not sufficient by itself because of the basic tendency of all rational actors to take recourse to self-help when it suits them.

In bringing shared values and belief back in again as the last arguments against anarchy, de Jouvenel has defined an important cultural and contextual boundary condition of instrumental rationality. But conceptualising the police as a link in a large chain consisting of shared interests and sacred beliefs that connects national norms and locally embedded values can lead to a further dilemma. How does one understand de Jouvenel's invocation of divine dispensation through the godless categories of political science? Susanne Rudolph provides some insights into this dilemma between the varying implications of political economy, culture and context in linking the individual and orderly rule:

> [As] we address the state in Asia we must treat the symbolic as a phenomenon. We must try to create theoretical frameworks that combine a demystified, rationalist worldview with an understanding of the phenomenology of societies where the gods have not yet died.
>
> (1987: 742)

In a heuristic way, she points towards the great variations in the style, local idioms and strategies pursued by India's regional elites, from the cultivated rusticity of the political leadership in Bihar to the modernist political categories used by leaders in Kolkata and Chandigarh to sustain the very

vernacular content of their political strategies. Culture and context matter only because general theory makes them intelligible as parts of regional elite strategies with regard to policing and governance. I discuss this further in Chapter 7.

Police neutrality is a chimera. Accordingly, blaming all the ills of governance on politicisation of the police is gratuitous. The causality, in fact, is reciprocal. Just as politics affects the police, so do the police affect politics. Deeper, underlying factors that cause social and economic change, and cause dislocations in the moral universe, are causes both of challenges to governance and challenges to the political neutrality of the police. The police, in their turn, are not passive: ‘they can play a formative role in determining the character of politics’ (Bayley 1975: 378).

Trust and the perception of the police as humane managers of law and order are the key categories in the relationship of policing and governance. Power stripped of legitimacy becomes mere force and is quickly dissolved in the groundswell of resentment it leads to. In order to make governance feasible, the police and the people thus need to be bound together by a chain of institutions, mores, beliefs and practices. To sum up: no police, no state, but just as likely, no state, no police. The search for deeper reasons for variations in governance thus points towards a closer scrutiny of state–society relations, social networks and trust, themes which I explore further in Chapters 6 and 7.

6 The agency of public institutions

Leaders, administrators and governance

Introduction

This chapter continues the discussion of the linkage of micro parameters of governance (security, welfare and identity; Figure 1.2) with macro institutions and policies (Figure 1.5). It draws on semi-structured interviews with the regional elites regarding their mediating role between the state and the people, the views that administrators have of politicians and, likewise, the way political leaders see their counterparts within the administration. The knowledge of elite mediation that we get from these qualitative variables is complemented by the level of electoral participation and the cohesion or fragmentation of the party system in the six regional states. The need for a detailed knowledge of the ensemble of factors that affect mediation and governance in everyday life is salient in the contemporary context, for it helps us reconsider the argument that blames the failure of orderly rule in the domestic arena necessarily on external enemies.[1]

Western anxiety about security at home and governance abroad in the wake of 9/11 has given a new lease of life to the orientalist constructions of non-Western politics as outwardly passive but with violent eruptive potential. The creeping fears of terrorist attacks have found a resonance in India in the concept of cross-border terrorism. In the wake of the terrorist attack on the Indian Parliament in 2002, these apprehensions have acquired the status of a paramount explanation for problems of governance, particularly in border areas. Official constructions that see the interweaving of terrorist networks and their domestic sympathisers as the root cause of violent insurgency, a view that finds support within sections of the media as well, have a precedent in the colonial constructions of order.[2]

Courtesy of twenty-four-hour news channels, televised scenes of rampaging crowds, frenzied mobs spilling out of Friday prayers and swarms of pilgrims stampeding in panic and fury have now joined poverty and squalor as the standard view of the breeding-grounds of terrorism. Considerations of security now take precedence over democracy and development as the cornerstone of policies, meant to counteract rage and resentment, seen as the cause of the desperate politics of suicide terrorism

and violent mass uprisings. A generation back, Charles Tilly had famously debunked this conditioned reflex, masquerading as theory: ‘The image is hydraulic: hardship increases, pressure builds up, the vessel bursts. The angry individual acts as a reservoir of resentment, a conduit of tension, a boiler of fury. But not as a *thinking, political man operating on principle*’ (1975b: 390; emphasis added).

This chapter moves the focus beyond the episodic outbreaks of riots and risings to the vast stretches of time that connect them. The everyday politics of state–society interactions, mediated by administrative and political elites in state capitals and district headquarters of India, are sites of the unspectacular unfolding of India’s institutional designs and political process. The narratives, conversations with regional elites and findings from the cross-section survey that I analyse here constitute the twin-track strategy of empowerment and negotiation that lie at the core of the Indian model of governance. The perceptions and attitudes of these regional elites are important links in the national chain of governance, joining the modern state and traditional society. Their symbiosis holds the key to the variance of governance across India’s regions.

Elite mediation in a post-colonial democracy: bridging the unbridgeable?

I argue in the previous chapter that the strategic combination of policing and reform, which simultaneously raises the stakes for rule violators and removes the incentives to riot and rebel by improving the level of welfare, helps make life orderly.[3] However, experience shows that such solutions, the acme of state-centric approaches, are often short-lived.[4] Both policing and reform set countervailing forces of protest and everyday resistance in motion.[5] Reforms, which produce new stakeholders ready to defend the post-reform political order, also typically generate a residue of disappointed supplicants ready to join the ranks of the embittered stakeholders of the *ancien régime*, who thus become sworn enemies of the new order. Collective protest aimed at holders of power seen as tyrannical can eventually undermine governance. In this case, state–society synergy is brought about by elite mediation, which is essential for governance in changing societies.

States in changing societies are typically vulnerable to protest generated by even mild doses of reform that can spin out of control. The resort to unbridled force in order to stem the tides of protest is often counterproductive, because it leads even pro-system liberals to join extremists in political resistance. Sustainable governance, in view of these limitations of order-generating policies from ‘above’, therefore entails the collaboration of the state and society in the joint task of maintaining law and order through the mediating agency of bureaucrats and politicians. Political and administrative elites operating in democratic tandem can help bridge the chasm that separates elites and masses.

Public institutions such as administrators, politicians and party systems, responsible for rule making and rule implementation, are therefore of crucial significance to governance.[6] They straddle the two worlds of the high politics of the state and the intimate, day-to-day world of society. Just as their fortuitous partnership generates governance, a hiatus between them can precipitate its decline.[7] The mediating role of these institutions is the catalyst, the indispensable political capital that quickens the pace of order-generating social resources.

Conjectures on these lines regarding the role of agency, association, participation or political discourse for order and rule of law are not entirely new, for many of them have long been a part of the political sociology of order.[8] The novelty in this case consists of the analysis of their implications as part of a single narrative that draws on both quantitative and qualitative evidence and multivariate techniques with reference to a single empirical context (India), and links abstract conjectures to appropriate forms of evidence. The chapter moves in that direction through an analysis of the mediating role of administrative and political leaders who supplement the task of the police in order generation and maintenance. These arguments are developed through an analysis of elite narratives, semi-structured interviews, a cross-sectional survey of the adult population of the six regions, and the aggregate data on party systems and participation. The main methodological objective here is to isolate the contribution of public institutions, which function as the 'political capital' of governance. Administrators, politicians and party systems are presented here as initiators of governance, accelerating the induction of new social forces into the network of institutions, and enhancing the depth and scope of governance in the process.

The agency of public institutions: from social to political capital

The national state, long considered the most important if not the exclusive agent of order during the long years of Congress hegemony (1947–67), has lost some of its aura over the past decades. That the agency of individuals, social groups and regional governments is the crucial building block of civil society and governance has now become a part of the accepted wisdom concerning state–society relations. However, simultaneously with the shift to the market and civil society as agents of welfare, a reaction has set in that asserts the primacy of politics for the authoritative allocation of values. The pendulum has started to swing away from the first-generation advocates of social capital,[9] who conceptualised governance as sustainable by society alone, based on shared norms, networks and trust. Krishna (2002), in a major contribution to the field, has shown that while social capital is necessary for governance, it is not sufficient on its own.[10] To be effective, social capital needs the catalytic intervention of active political

and administrative agents. This is a position with which the regional elites of this study would agree enthusiastically.[11]

The role of the state as initiator of networks, or conditions that make the growth of *both* social capital and governance possible, deserves careful scrutiny,[12] for an exclusive focus on social capital shifts attention away from public institutions that are crucial to governance. Local democracy, which has been the empirical focus of social capital theories, is neither self-generated nor self-sustaining (Bhattacharyya 1998; Mitra 2001b). The absence of a responsive state committed to the rule of law,[13] and associations that are cross-cutting rather than cumulative over community boundaries, can be fatal.[14] Krishna (2002) is one of the most recent of a number of scholars (Bailey 1970; Esman and Uphoff 1984; Reddy and Hargopal 1985; Mitra 1991a, 1992) to suggest the crucial difference that public institutions, acting in cooperation with the state, can make to politics at lower levels.

Why does institutional agency matter?

Successful institutional agency creates synergy by bringing the political structure and social capital together in an optimal combination. But for this assertion to become part of a cohesive explanation of governance, the concept of agency needs to be firmly pegged to the rule of law, a responsive state and a dense structure of intermediary institutions, consisting of parties, demand groups and elite agency, between the state and society. The narratives of our regional elites are replete with cases which show that the crucial role of institutional agency for effective governance is now part of the general common sense concerning governance in India. What remains unclear is why these institutions matter in the first place. To answer this question, I assume that in rank-ordering institutions in terms of their salience for governance, as argued in Chapter 5 (Table 5.1), the respondents act on the basis of their subjective mental maps where the public institutions form a pattern of relationships organised around their function and the salience that the individual respondent attaches to their role in governance.

Perception, particularly in a chaotic, assertive democratic context, reflects the priorities of the actor, who must daily decide between orderly behaviour and criminal self-help. The more administrators are seen by their 'clients', and their peers, as transparent, effective, communicative and free from corruption, the better are the chances of governance. Peer evaluation matters because the 'lone wolf' administrator, functioning alone, is the exception rather than the rule, for modern administration requires complex coordination of several agencies. The complementary role of politicians, whether elected to office or exercising influence from the ranks of the opposition, is of crucial significance. The ideal scenario is one in which both administrators and leaders are seen as communicative, cooperative, efficient, public-spirited and honest, accessible to the public, and accessible to one another.

In the absence of a vigilant public, even the most public-spirited rulers and guardians can degenerate into a cosy oligarchy. Consequently, democratic theory attaches great salience to representative institutions such as party systems that function as agents of politics from below. Despite the important and useful function that administrators and politicians perform with regard to governance at the regional level, both constitute a world apart, a *demi-monde* suspended between the high politics of the state and the intimate world of the citizen. Though scholars remain divided in their assessment of the relationship between participation and governance, free, fair and regular elections are the most effective antidote against the growth of such pathologies. General elections and effective party systems complement the role of administrators and politicians. Hypothetically, the better integrated the party system as a cohesive institution, the more effective is the governance of the arena coterminous with the party system.

The analytical narratives of the regions have already made reference to the history of party systems, political mobilisation, communication and implementation, and their impact on governance. The analysis of the relationship between formal agency and informal practice analysed in this chapter draws on these previous discussions. Institutional synergy is produced where specific organisations such as administrators, politicians, police or judges act not alone, but as part of an ensemble. Administrators, leaders and competitive party systems thus act as countervailing forces that check and balance one another. Their synergy contributes to the coherence of regional government. When no particular institution commands overwhelming power and institutions are relatively autonomous of one another, individuals and groups have greater room to manoeuvre (Mitra 1991b). Institutional agency thus provides a cutting edge to democratic participation with respect to governance. When there is a specific deficit in formal agency, but the network of institutions remains active, political actors taking recourse to the two-track strategy that combines the functions of administrators and leaders can fill in the void either by substituting the failing limb or by innovating a replacement.

Do the regional elites perceive these institutions as specific agents, acting in isolation, or can one infer patterns of linkage from the salience that they attach to the institutions separately?[15] A factor analysis of the multiple correlations of the salience attached by the regional elite to each institution in Table 5.1, which provide the preliminary data, helps test the conjecture regarding underlying patterns. Should there be no underlying pattern, one would expect each institution to emerge as a dimension by itself; whereas if they are essentially variations of one main theme, one dimension would explain a very substantial part of the variation underlying the multiple correlations. In the event, three main dimensions emerge from the factor analysis of the elites' perception of the agencies of governance, as reported in Table 6.1.

Table 6.1 Factor loading of the agencies of governance as perceived by the elite ($N = 161$)

Agency of governance	*Factor 1 'Implementers' 38%*	*Factor 2 'Legislators' 14%*	*Factor 3 'Protectors' 11%*
State government	**0.69**	0.41	0.001
Judiciary	**0.57**	0.16	0.18
Bureaucracy	**0.80**	0.01	0.12
Police	**0.84**	0.003	0.01
Media	0.01	**0.76**	0.21
Parliament/assembly	0.01	**0.82**	0.15
Political parties	0.25	**0.77**	0.001
Local government	0.37	**0.52**	−0.50
Central government	0.48	0.27	**0.53**
Army	0.21	0.19	**0.77**

Source: Elite survey, 1998–9.

Note
Varimax rotation with Kaiser normalisation.

From Table 6.1, the patterns that underpin the correlation matrix of public institutions reveal a factor structure that constitutes three different clusters. Governance, as the regional elites see it, remains the business of the state government, working jointly with the judiciary, bureaucracy and the police, who are strongly connected with one another and explain 38 per cent of the total variation. On the basis of the institutions strongly linked to each of these dimensions (the factor loading highlighted in Table 6.1), we can characterise these groups respectively as 'implementers', 'legislators' and 'protectors' of governance. The first group, corresponding to the first factor, explains 38 per cent of the variance. It consists of the state government, the judiciary, the bureaucracy and the police, institutions specifically allocated the responsibility for implementation of developmental programmes and legislation by the Constitution (Schedule 6), and for the maintenance of law and order. The second cluster ('legislators'), corresponding to the second dimension, explains 14 per cent of the variance. It groups together the local government, media and Parliament and assembly, and political parties. The constitutional responsibility of these institutions extends to the articulation and aggregation of interests, and keeping a sharp eye on the wielders of administrative power in order to maintain accountability. The third dimension, explaining 11 per cent of the variance, brings together the central government and the army, which play an implicit but crucial role in terms of setting up a threshold of tolerance with regard to governance in the region. This function, which in its most trenchant form refers to article 356 of the Constitution, provides for the temporary suspension of the state government. Central sanctions can take various shapes, ranging from the most extreme measure, namely, full control by the central government, to the less formal methods of applying

pressure through directives or to dispatch of the army to quell disorder in the region. This can take the extreme form of informal 'military rule' (Cohen 1988: 100), as in Kashmir, in Punjab during militant insurgency and in parts of India's North-eastern states. These functions correspond to the third dimension, which we can simply call 'defence of the system of governance'.

The evidence of joint agenda setting as causal to governance will be examined in what follows in terms of a closer analysis of the perception of administrators and politicians and its statistical relationship with governance. This synergy is crucial for the induction of ordinary people as stakeholders into institutional arrangements.[16] The first question one needs to ask at this stage is: how are administrators and politicians perceived by their peers? What evidence do we have of the causal relationship between a 'positive' popular image of administrators and politicians and the perception of high governance?

Self- and mutual perception of administrators and politicians

An intimate portrait of the room to manoeuvre that a state-level administrator can have is narrated by one of my respondents, who used to be the Transport Minister of Tamil Nadu during the period 1971–5.[17] Transport was then a government department and had been experiencing strikes and irregular services. 'Neither administrators nor politicians', according to our respondent, were able to remedy the situation. However, the respondent – 'an administrator turned politician', in his words – could 'handle the situation'. He claims to have done this by 'abolishing the transport department altogether and floating seven companies to take up the workers'.

> These companies were to be run on a purely commercial basis. Leaves were cut and proper incentives given. For example, a bonus [for good performance] was paid in the middle of the month so that the bus drivers could keep it for themselves (since the monthly salary usually went to their families). Whereas the transport department had been a losing concern, all seven companies became profit-making enterprises and were praised by [B.S.] Minhas of the Planning Commission. Even now, these companies are doing well.[18]

One must be careful here to situate this picture of the administrator as benign paternalist, so redolent of *Plain Tales from the Raj* (Allen 1975), and the portraits of paternalist police officers of the Raj that we see in Chapter 5 in the backdrop of the contentious democracy in which they are ensconced today.

To analyse the opinion that our regional elites generally have of administrators, the following question was asked. *Q29. Following are some*

statements made by people about administrators and politicians. We would like to know your own impression of administrators and politicians as a class or group which you may have formed in course of your association with public life. What we are interested in is not your evaluation of particular individuals but your impression of administrators and politicians in your State in general. Let us take administrators first. How far do you agree with each of the views listed below? The findings reported in Table 6.2 present not only the normative evaluation of administrators by our elite respondents, but also a statistical assessment of the relationship between the goodness of administrators' image and the perception of governance. The scale that measures the perception of law and order goes from low to high. Thus, we obtain two important insights from the item at the top of Table 6.2. First, it shows that 83 per cent of the regional elite see administrators as more keen on bureaucratic power and procedures rather than increasing their problem-solving capacity. Second, the causal relationship with governance is negative. The second column reports the positive and significant correlation between this particular tendency of administrators and governance. An example from the lower end of the table refers to the

Table 6.2 Elite evaluation of popular perception of administrators

Popular perception of administrators	*Mostly agree (%)*	*Correlation with the perception of governance*
Administrators have a tendency to expand the departments and increase procedures instead of solving concrete problems	83	−0.277**
Administrators work in the interest of ruling groups	76	−0.223**
Administrators are sticklers after rules	71	0.258**
Administrators keep themselves aloof from the people	67	−0.196*
Administrators are partial to particular groups and classes	65	−0.246**
Administrators are helpful to people in redressing problems	62	0.361**
Administrators are more concerned with putting up a show than doing concrete work	60	−0.217**
Administrators are responsive to new ideas and practices	53	0.228**
Administrators encourage local initiative	43	0.204*
Administrators are inefficient	43	−0.320**
Administrators take part in local politics	40	−0.195*
Administrators guarantee fair and just treatment to all	34	0.207*

Source: Elite survey, 1998–9.

Key
* Significance ⩽ = 5%; ** significance ⩽ = 1%.

administrators' tendency to encourage local initiative, affirmed by 43 per cent of the regional elite and seen as a positive measure that enhances governance, just like the perception of administrative efficiency, which is positively related to governance.

Juxtaposed to the popular perception of administrators is the reconstructed image of the politician, as perceived by our regional elites in interviews (Table 6.3). The question asked for this purpose was: *Q30: Let us now take politicians. How far do you agree with each of the views about politicians mentioned below?* The responses presented in Table 6.3 are arranged in descending order in terms of the agreement of the interviewee to the question raised. The second column presents the correlation of the response with the respondents' perception of the state of law and order. The two scales are synchronised, so that a positive correlation implies a correlation between a 'positive' image of the politician and a positive perception of the state of law and order.

Noteworthy with regard to the perception of politicians is the general perception of politicians' inability to act in a decisive manner because of the conflicting pressures under which they have to act, a tendency that is seen as detrimental to governance on the basis of the significant

Table 6.3 Elite evaluation of popular perception of politicians

Popular views concerning politicians	*Mostly agree (%)*	*Correlation with the perception of governance*
Politicians cannot act in a decisive manner because of various conflicting pressures on them	77	−0.231**
Politicians are not well acquainted with administrative procedures, rules and regulations	72	−0.210*
Politicians are generally cooperative with administrators	70	0.241**
Politicians are so much involved with the power struggle that they have little time to attend to actual problems	69	−0.250**
Politicians are corrupt	67	−0.283**
Politicians help in making government policies realistic	66	0.337**
Politicians have no regard for administrative procedures, rules and regulations	59	−0.344**
Politicians care for people's welfare	59	0.276**
Politicians create more and more dissension in the community	54	−0.246**
Politicians do not trust administrators	44	−0.207*
Politicians are hostile to the administration	24	−0.245**

Source: Elite survey, 1998–9.

Key
* Significance ⩽ = 5%; ** significance ⩽ = 1%.

correlation. On the other hand, 70 per cent see politicians as cooperative with administrators (third item from the top), a tendency that is seen as positive for governance, to judge by the significant correlation on this item.

Governing in tandem: upward and downward spirals

The questions used to elicit the opinions of the regional elites with regard to their perception of politicians have important implications for their role as agents of public welfare and governance. These results help us both to understand the perception of administrators and politicians, and to rank-order them in terms of their significance for governance. Further multivariate analysis for the comparison of their marginal contribution to governance is done on the basis of their aggregation into two general scales. The two, namely, 'Administrator' and 'Politician', respectively combine the attributes that are hypothetically supposed to enhance governance. The strong and significant correlation of the perceived ability of administrators and politicians with governance (respectively 0.45 and 0.5, both significant at less than 1 per cent in Table 6.4) confirms the stipulated relationship between 'good' images of administrators and politicians and governance, to judge from peer evaluation.

The strength and significance of the correlations between the perception of administrators and politicians and governance indicate the salience of the image of these key figures in local governance in the community. When leaders and administrators act out of 'right motives', they enhance governance. But the correlation also suggests that the contrary is possible. Regions where administrators and leaders have a 'bad image' because they are corrupt, inaccessible, inefficient and partisan are also likely to have low governance.

A multiple regression of governance by administrators and politicians produced beta coefficients of 0.44 and 0.35 respectively (Table 6.5), with each significant at less than 1 per cent. Table 6.5 confirms their positive and independent contribution to governance. While other factors no doubt also contribute to governance as perceived by the regional elites, the posit-

Table 6.4 Multiple correlations of governance, administrators and politicians

Variable	*High governance in the state*	*Good image of administrators*	*Good image of politicians*
High governance in the state	1	–	–
Good image of administrators	0.456**	1	–
Good image of politicians	0.499**	0.288**	1

Source: Elite survey, 1998–9.

Key
* Significance ⩽ = 5%; ** significance ⩽ = 1%.

Table 6.5 Regression of governance with the perception of administrators and politicians

Independent variable	*Standardised beta*
Good image of administrators	0.44**
Good image of politicians	0.35**
F	27.49**
Corrected R^2	0.39

Source: Elite survey, 1998–9.

Key
* Significance ⩽ = 5%; ** significance ⩽ = 1%.

ive attributes of administrators and politicians certainly play an important role, for together they explain 39 per cent of the variance. The model itself is significant at less than 1 per cent.

It is important to clarify that the data reported here refer to the normative expectation of an administrator–leader tandem with regard to the forming and implementing of general rules of conduct based on the experience of regional elites in their everyday lives. The convergence to a common agenda of rule-abiding, fair and efficient administrator–leader cooperation can enhance governance, whereas the lack of understanding between them can lead to a downward spiral. Conscientious civil servants with clout are aware of this, and when the need and opportunity for it arrive, they intervene in the political process to restore the good spiral. T.S.R. Subramanian, former Chief Secretary of Uttar Pradesh, and Cabinet Secretary to the Government of India, recounts an incident in which he was able to prevent a minister from 'doing politics with governance' by visiting the communally fragile town of Aligarh in the wake of a religious conflict. The incident could very well have been an episode from *Yes, Minister*, the highly acclaimed BBC series (Subramanian 2004: 258).

Minister: said he intended coming to Aligarh and could I [T.S.R.] meet him there.

Chief Secretary: had reviewed the Aligarh incident as late as 10 pm the previous night, the situation was peaceful, and under control and we should let the situation heal for three or four days before a ministerial visit.

Minister: insistent about his visit to Aligarh: this would help him gather facts to make a suo motto statement in Parliament.

Chief Secretary: conveyed assurance that all relevant material for the statement, including materials for supplementary questions, would await him by the time he reached Delhi and that he need not go to Aligarh for that purpose – a judicial inquiry had been ordered and this would help defuse the discussion in Parliament.

Minister:	still insists on going to Aligarh.
Chief Secretary:	kept on demurring, satisfied that it would be a political visit, to meet local politicians, which would only exacerbate an already tense situation.
Minister:	tone changed, as he said, ‘Mr. Chief Secretary, I am going to Aligarh now, and I am ordering you to come to Aligarh immediately to meet me there.’
Chief Secretary:	‘I will take my orders only from my governor.’
Minister:	‘Don’t you realise that Uttar Pradesh is under President’s rule – under the control of Government of India; the Home Ministry is administering the central rule.’
Chief Secretary:	‘Any order from the Government of India may come to the state government formally and will be implemented; if it is a directive, it should be backed by a Cabinet decision.’
Minister:	by now livid – ‘I am going to Aligarh anyway whether you come or not.’
Chief Secretary:	‘If you go there in your capacity as a Union Minister, you will not be received; and the district magistrate will have instructions not to receive you, nor to give a police escort.’
Minister:	bangs the phone down.

Subramanian is careful to point out that an incident like the above, where a civil servant is able to restore the right balance between the administration and the political leadership, is rare indeed. He quotes from a speech of Chief Minister Mulayam Singh Yadav to an annual gathering of Indian Administrative Service (IAS) officers to show how the opposite is often likely to be the case (Subramanian 2004: 235)

> That year, Mulayam Singh as the Chief Minister was the chief guest and he addressed the 200-odd IAS officers who had gathered at the meeting. What he had to say made me sit up indeed. He spoke on these lines: ‘You all have such excellent minds and education; some of you are scholars; some of you have Nobel-prize minds; you will all succeed in any walk of life, wherever you turn your attention to; you have good jobs; you can educate your children well; and you are respected by society; – (and then, the clincher, raising his voice) – Why do you come and touch my feet? Why do you come and lick my shoes? Why do you come to me for personal favours? When you do so, I will do as you desire and then extract my price from you.’ It was an amazing statement because it succinctly summed up the situation and pin-pointed the reason for the collapse of the steel frame.

Mulayam Singh Yadav’s astute observation on the IAS for graft and corruption shows that the ideal image of the civil servant and the political

leader acting in tandem to enhance governance is not always sustained by reality. What, then, primarily motivates the politician, and how do the regional elites perceive the relations of politicians and administrators? The administrators and non-administrative regional elites in our sample were queried separately on the motives of politicians. The question I asked the administrators was (Question 22): *Generally speaking, on whose problems do political leaders usually seek the help of administrators? Keeping your personal experience in mind, could you please tell us how frequently each of the following problems is brought before administrators?* The responses are reported in Table 6.6.

Following the factor analysis technique introduced earlier, the rankings given to each item in Table 6.6 were further analysed in order to identify any underlying patterns that administrators see in the motives that lead politicians to contact them. The results, presented in Table 6.7, show the importance of kinship in politician-initiated contacts. Kinship limits the impersonal basis of institutions and, as such, carries negative implications for governance. However, also present among the main motives are mediation between state and society, and aggregation of general interests, both of which are helpful to governance. The fact that kinship-motivated contacts explain more variance than either mediation or aggregation explains the scepticism that administrators often have concerning the motives of politicians.

Non-administrators in the sample were then queried about their evaluation of why leaders met civil servants. The question asked (question 26) was: *Often leaders have to approach administrators for getting certain things done for different groups and individuals. Generally speaking, whose problems do politicians in your opinion usually bring to the notice of administrators and how often?* The results are reported in Table 6.8.

Table 6.6 Administrators' opinions on why political leaders seek the help of administrators (percentages, $N = 80$)

Motives	*Frequently*	*Sometimes*	*Rarely*	*Never*
Politician's personal benefit	36	38	21	5
Interests of relatives and family members	41	39	15	5
Friends and close supporters	59	27	8	6
Their caste group	33	40	15	12
Their religious group	27	39	19	15
Political party	47	39	5	9
NGOs and voluntary organisations	2	21	51	26
Cooperatives	3	31	45	21
Trade unions	14	45	31	10
Political faction or group	25	47	18	10
Welfare of the whole state	5	25	40	30

Source: Elite survey, 1998–9.

Table 6.7 Factor analysis of civil servants' opinions on leaders' motives for seeking help (varimax rotation with Kaiser normalisation, $N = 80$)

Motive	*Factor 1, 'Kin', 29%*	*Factor 2, 'mediation', 21%*	*Factor 3, 'aggregation', 12%*
Politician's personal benefit	**0.67**	−0.36	−0.001
Interests of relatives and family members	**0.80**	−0.12	0.01
Friends and close supporters	**0.61**	−0.10	0.34
Their caste group	**0.82**	0.24	−0.01
Their religious group	**0.76**	0.35	0.01
NGOs and voluntary organisations	0.01	**0.81**	0.003
Cooperatives	0.01	**0.78**	0.10
Welfare of the whole state	−0.14	**0.57**	0.28
Political party	0.41	0.01	**0.68**
Trade unions	−0.15	0.21	**0.77**
Political faction or group	0.11	0.01	**0.80**

Source: Elite survey, 1998–9.

Table 6.8 Why political leaders seek the help of administrators (non-administrators' opinions, $N = 68$)

Motive	*Frequently*	*Sometimes*	*Rarely*	*Never*
Leader's personal benefit	23	33	16	28
Interests of friends and close supporters	27	45	16	12
Relatives and family members	22	44	6	28
Their caste	18	47	7	28
Their religious group and community	15	40	17	28
Political party	38	38	11	13
Welfare of the people of their own area	64	25	7	4
Welfare of the people of the whole state	34	37	22	7

Source: Elite survey, 1998–9.

The patterns revealed by factor analysis of the answers of the non-administrators in the elite sample (many of whom are active politicians themselves or have had a political career) show two major dimensions. The first, more important in its explanatory power than the second, brings together the kin groups that cluster around 'their' political representatives. The second dimension draws on 'welfare of the area and the whole state', where politicians claim linkage with 'people' – a category that suggests linkage that goes beyond the primordial and the narrowly partisan (Table 6.9).

Electoral participation, party system fragmentation and governance

Even at their most benign, administrators and politicians represent a view from above. The suspicions that radical democrats have of elitist and tute-

Table 6.9 Factor analysis of leaders' opinions on why politicians see civil servants ($N = 68$; varimax with Kaiser normalisation)

Motive	*Factor 1, 'kin solidarity', 55%*	*Factor 2, 'general good', 19%*
Politician's personal benefit	**0.84**	−0.21
Friends and close supporters	**0.87**	−0.22
Relatives and family members	**0.87**	−0.23
Their caste	**0.89**	−0.01
Their religious community	**0.85**	−0.15
Political party	**−0.61**	0.14
Welfare of the people of their own area	−0.13	**0.89**
Welfare of the people of the whole state	−0.01	**0.88**

Source: Elite survey, 1998–9.

lary democracy are actually reinforced by some of our findings. Promoting the interests of kin, as Tables 6.7 and 6.9 show, constitutes an important motive that leads politicians to meet decision makers. Free and fair elections with universal adult franchise are the best antidote against the likelihood of a self-serving elite holding a monopoly over political power and the patronage that it entails. But, while *vox populi* can be an effective countervailing force against authoritarian rule or the oligopoly of a ruling cabal, can it also reinforce governance?[19]

Elite political discourse in India at the onset of independence showed little evidence of such scholarly scepticism. The democratic state pitched its hopes for legitimacy and development on universal adult franchise, which would empower underprivileged social groups. The right to vote in secrecy, and without coercion, supervised by specially recruited election officers at the level of the polling booth and nationally by an independent Election Commission, was expected to act as a direct challenge to social dominance by those belonging to higher social orders born to privilege. Despite the scepticism voiced by those who had despaired at the rise of sectarian political movements once popular democracy caught the imagination of the people, and the brief encounter with authoritarian rule during the Emergency, parliamentary democracy has stayed the course. How has the Indian model of empowerment, entitlement and enfranchisement performed, and with what consequences for governance?

Participation in general elections has grown steadily, reaching European proportions in some states and surpassing in general the levels attained by elections in the United States (Table 6.10). Though election campaigns have increasingly become violent, requiring huge deployment of forces to maintain order, on the whole, India's elections have remained free and fair. With regard to the relationship between participation and governance predicted by the Gurr–Huntington model (Figure 1.4), at first glance, seen in juxtaposition, the temporal trends of participation and the

Table 6.10 Turnout in Lok Sabha and assembly elections (1952–2000)

Year	*Punjab*	*Bihar*	*West Bengal*	*Tamil Nadu*	*Gujarat*	*Maharashtra*	*India*
1952	55.3	52.8	42.1	74.3	–	51.8	45.7
1957	58.0	40.6	47.9	64.3	–	53.5	47.7
1962	65.5	47.0	55.7	70.7	58.0	60.5	55.4
1967	71.2	51.5	66.1	76.6	63.7	65.1	61.3
1969	72.3	52.8	66.5	–	–	–	–
1971	–	–	62.1	71.8	–	–	55.3
1972	69.3	52.8	60.8		58.1	60.6	–
1975	–	–	–	–	60.1	–	–
1977	65.4	50.5	56.0	64.8	–	–	60.5
1978	–	–	–	–	–	67.6	–
1980	64.3	57.3	–	64.8	48.4	53.3	57.0
1982	–	–	76.8	–	–	–	–
1984	–	–	–	73.4	–	–	64.1
1985	67.5	56.3	–	–	48.8	59.2	–
1987	–	–	75.6	–	–	–	–
1989	–	–	–	–	–	–	62.0
1990	–	62.0	–	–	52.2	62.1	–
1991	–	–	76.6	63.8	–	–	56.7
1992	23.8	–	–	–	–	–	–
1995	–	–	–	–	64.4	71.7	–
1996	–	–	83.0	67.0	–	–	58.0
1997	68.7	–	–	–	–	–	–
1998	–	–	–	–	59.3	–	62.0
1999	–	–	–	–	–	61.0	60.0
2000	–	62.6	–	–	–	–	–
Average	61.9	53.3	64.1	69.1	57.0	60.6	57.4

Source: Election Commission of India, Delhi.

trends of governance in the regions and India as a whole do not appear to have a consistent relation. On the whole, participation has gone up, whereas governance, after its steady decline over three decades after the initial high point, has started going up again. A possible explanation here is the presence of a party system as an intervening variable between the people and the government, capable of effective articulation and aggregation of interests, which conceivably explains this overall picture of resilience of the political system.[20]

The conjecture raises many specific empirical questions with regard to the nature of party competition and the effectiveness of regional parties in discharging the classic functions of articulation and aggregation of interests. Political parties, as intermediaries between the state and society, agents of articulation and aggregation of interests, political recruitment, and the development of new social networks, have played a crucial role in political transition in India. Considering that political parties are often seen as typically Western political institutions, their role in facilitating the creation of a modern state raises further questions. Have political parties, products of the political and social history of Europe in the nineteenth century, successfully taken root in India's regions, even though the regional societies have not been subject to the same historical processes such as rapid industrialisation and urbanisation prior to the extension of suffrage? Though a detailed analysis of this puzzle is of great importance to our understanding of politics in South Asia,[21] the more immediate concern for our study is the consequence of accelerating participation for the cohesion of the party system and orderly rule in the states. The coherence of the party system (Hypothesis 1.5, p. 19) plays a crucial role as an intervening variable that interposes between the actor and the ultimate decision to follow orderly rule or resort to criminal self-help.

The regional narratives have briefly introduced the variation in the pattern of decay of the Indian National Congress and the emergence of multi-party competition. After the demise of the one-dominant-party system, Congress, which has gone through several metamorphoses, has re-emerged as a regional party in several states, competing against other regional and national parties. Thus, in spite of having the same electoral laws and a shared legacy of British colonial rule, the regions have produced a party landscape of remarkable diversity. Their evolution has been affected by their ability to link up with regional social cleavages. Idiosyncratic features such as the availability of ambitious leaders with a sense of timing and the right social origin have certainly played a crucial role. The elements on the party landscape are recognisable as locally embedded values, identities and strategic perception of the structure of opportunities by individual actors and coalitions. Parties have acquired local roots when they have found a niche in local society. This form of *indigenisation* of parties (Mitra *et al.* 2004: 4–5) and institutionalisation of party systems has happened incrementally, and it is, as yet, an incomplete process.

The comparison of regional party systems over time shows a picture of varying degrees of fractionalisation as national parties have split and regional parties have risen to prominence (Table 6.11). One of the main factors that affects the cohesion or fragmentation of the party system is the cruel logic of the first-past-the-post system, which tends to penalise smaller parties. It eliminates smaller groupings from the electoral arena, forcing them either to join larger parties and coalitions or to bow out altogether. For India as a whole, the evolution follows a curvilinear pattern, starting with 4.56 in 1952, which came down to an all-time low of 3.42 in 1977 following the formation of the Janata Party and the polarisation of the electoral battle between the Congress Party under Indira Gandhi and the main erstwhile opposition parties, united in battle against the tainted author of the Emergency rule, perceived as the arch-enemy of Indian democracy. The internal tensions between the left and the right within the Janata Party leading to the fall of the first non-Congress government of India, the return of the Congress Party to power, the growth of a 'third front' of forces opposed both to Congress and the Hindu nationalist Bharatiya Janata Party, and the creation of a period of unstable coalitions in national politics explain the steady rise of fragmentation in the national arena, reaching an all-time high of 7.38 in 1996, which also coincided with the first Hindu nationalist government of India, which stayed in power for exactly thirteen days.

The evolution of regional party systems presents variations on the national theme of party fragmentation following the decline of the Indian National Congress, the steady growth of regional movements, occasionally turning into regional parties or coalitions, giving rise to a process of party system consolidation. The picture is one of great contrasts. West Bengal, for example, appears to have gone through the full cycle, with the initial fragmentation of 5.56 going down to 3.73 as the political forces have polarised into the Left Front and Congress. Maharashtra, which enjoyed party system cohesion in the early decades, has become more fragmented following the splits of the Congress Party and the rise of Shiv Sena, bringing fragmentation from an earlier low of 3.66 in 1952 to a high of 6.98 in 1995, then down a little to 5.65 in 1999. Bihar has followed a similar pattern of fragmentation following the loss of the Congress hegemony of the early years after independence and, more recently, following splits in the Janata Dal. Tamil Nadu, which shares a high level of fragmentation with Punjab, has steadily consolidated the regional party system, but fragmentation has gone up again in the 1990s. Though Gujarat has not experienced the cohesive rule of a dominant party, as in Maharashtra, quite surprisingly it has maintained a score of fragmentation that has remained lower than its neighbour's for most of the time since its separation from the erstwhile province of Bombay.

A complex process of regional party system formation underpins the fragmentation index of Table 6.11, which reflects the effect of many vari-

Table 6.11 Fractionalisation of party systems on the basis of percentage of votes

Year	*Punjab*	*Bihar*	*West Bengal*	*Tamil Nadu*	*Gujarat*	*Maharashtra*	*India*
1952	6.36	4.70	5.56	6.60	–	3.66	4.56
1957	3.93	4.62	3.89	4.73	–	3.92	3.99
1962	4.52	4.34	3.43	3.36	3.08	3.57	4.44
1967	5.02	6.14	4.52	2.96	3.14	4.09	5.24
1969	3.97	6.50	4.41	–	–	–	–
1971	–	–	4.78	2.77	–	–	4.68
1972	3.78	5.65	3.07	–	3.09	3.02	–
1975	–	–	–	–	4.12	–	–
1977	4.17	4.12	4.44	4.66	–	–	3.42
1978	–	–	–	–	–	5.55	–
1980	3.49	5.95	–	4.08	3.01	3.87	4.26
1982	–	–	3.54	–	–	–	–
1984	–	–	–	3.94	–	–	3.99
1985	3.42	5.12	–	–	2.72	4.32	–
1987	–	–	2.99	–	–	–	–
1989	–	–	–	–	–	–	4.84
1990	–	6.80	–	–	3.97	5.02	–
1991	–	–	3.73	3.63	–	–	5.14
1992	4.00	–	–	–	–	–	–
1995	–	–	–	–	3.46	6.98	–
1996	–	–	–	4.26	–	–	7.38
1997	4.41	–	–	–	–	–	–
1998	–	–	–	–	2.97	–	7.21
1999	–	–	–	–	–	5.65	6.96
2000	–	7.22	–	–	–	–	–
Average	4.27	5.56	4.02	4.09	3.28	4.51	5.08

Note
The effective number of parties (votewise/seatwise) following Laakso and Taagepera (1979) is calculated as follows: $N = \frac{1}{n} \sum_{i=1} p_i 2$ with pi as the vote/seat share of the ith-party; only parties above 1% of votes cast/seats won were counted.

ables. The complexity can be highlighted through a brief comparison of Punjab and West Bengal, both of which share a common history of a radical change in their political environment through the Partition of India, which split the former political units into two, creating an unbridgeable hiatus between party and political hinterland. The second common feature of the two states is the history of non-Congress governments based on communal accommodation, which was the ruling ideology in both provinces prior to independence. However, while Punjab went on to develop a fragmented political system dominated by violence, factionalism, instability and identity politics, West Bengal, after the decade of chaos following the end of Congress dominance, went on to consolidate leftist rule. Delhi's all-too-ready intervention in Punjab and a certain indulgence of West Bengal's 'right to be different' from Delhi are part of the explanation.

In contrast with Punjab, West Bengal has witnessed no assassinations of its leaders, nor have leaders themselves tried to undermine parliamentary politics through recourse to terrorism, fasting to death or threats of self-immolation. As a matter of fact, after the splits both the CPI and the CPI(M) came to see the parliamentary institutions as a new arena of class struggle that gave the formal and informal processes of parliamentary politics greater legitimacy (Nossiter 1988; Ruud 2003). The level of participation in West Bengal has practically doubled from the initial 42 per cent, and fragmentation has diminished noticeably. Governance in West Bengal has gone up but, as mentioned in Chapter 4, is not without its inner contradictions. The multivariate analysis of aggregate data on participation, fractionalisation and governance shows no clear relationship between participation and governance, but a significantly negative relationship between party system fractionalisation and governance, measured in terms of the combined index of murders and riots per million inhabitants.[22]

Accountability, efficacy, legitimacy and trust: bridging elites and masses

The differential political evolution of party systems of the regions has led to a complex and diverse pattern of party accountability, sense of individual efficacy, legitimacy of the political system and, finally, of individual trust in the major public institutions. The pattern of linkage of these causal variables with one another and with the perception of law and order as a whole helps us test the hypothetical linkages between party systems and governance. The effectiveness of a party system acts as a supplementary factor to the mediating roles of administrators and politicians.

The first test of the legitimacy and efficacy of a party system is the sense of party system accountability. The results (Table 6.12) confirm the image of high accountability of the party system of West Bengal, with 62 per cent opting for 'a good deal' or 'somewhat' when asked whether parties make governments pay attention to the people compared to 27 for Bihar for the

Table 6.12 Perception of political parties as instruments of governmental accountability

Parties make governments pay attention to the people	*Bihar*	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
A good deal	7	3	7	4	6	24	10
Somewhat	20	42	33	13	47	38	33
Not much	25	36	34	50	21	20	27
Don't know/can't say	48	19	26	33	26	18	30

Source: National Election Study, 1996.

same indicators. The Punjab electorate shows even less confidence in the accountability of Punjab's parties, with only 17 per cent of the respondents reporting 'a good deal' or 'somewhat', compared to the national average of 43 per cent.

The instrumental value of the vote regardless of rank is one of the major gains of Indian democracy. When asked '*Do you think your vote has effect on how things are run in this country, or do you think your vote makes no difference?*', the Bihar electorate shows its sense of efficacy, with 62 per cent asserting that 'their vote has effect', and the Punjab electorate with a respectable 51 per cent, whereas the real surprises here are Gujarat with only 35 per cent and even Maharashtra with 48 per cent (Table 6.13).

Political actors who feel themselves to be efficacious but have a poor opinion of the political system based on parties would look for institutions other than parties and party systems to articulate and aggregate their interests. In order to measure the perception of the effectiveness of political parties as an integral part of the structure of parliamentary democracy in India, the following question was asked: '*Suppose there were no parties or assemblies and elections were not held – do you think that the government in this country could be run better?*' (Table 6.14). When asked to conjecture on a situation where the electoral option is not available, those in the national sample overwhelmingly reject a future without parties and elections.

With regard to efficacy and legitimacy (Tables 6.13 and 6.14), the six regional states reveal three different patterns. West Bengal and Bihar are in

Table 6.13 Perception of the effectiveness of the vote

Respondent's vote . . .	*Bihar*	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
Has effect	62	35	48	51	67	69	60
Makes no difference	14	48	33	23	16	21	21
Don't know	24	17	19	26	17	10	19

Source: National Election Study, 1996.

Table 6.14 Perception of the legitimacy of parties and elections

Respondent's vote . . .	*Bihar*	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
Yes	9	17	11	8	18	5	11
No	70	48	77	60	54	79	69
Don't know/can't say	21	35	12	32	28	16	20

Source: National Election Study, 1996.

the first category, where the respondents are above the national average in terms of both the efficacy and the legitimacy of the system; in the second category are Punjab and Gujarat, which, in terms of both criteria, are below the national average; in the third category are Tamil Nadu, where efficacy is above the sense of legitimacy, and Maharashtra, where the sense of legitimacy of the system is above the level of personal efficacy. The convergence of efficacy and legitimacy, and their divergence, affect trust in the system. The pattern of high trust in institutions but distrust of politicians is revealed by the survey findings from 1996. When respondents were asked '*How much trust/confidence do you have in different institutions of India?*', the results, presented in Table 6.15, show relatively high trust for the main institutions of the state such as the Election Commission (46 per cent), the judiciary, and local, regional and central governments. But trust in institutions responsible for running institutions, such as elected representatives, political parties (17 per cent) and the police (13 per cent), is much lower.

From political norms to administrative policy

The multivariate analysis of cross-sectional survey data from the regions provides useful insights into differential patterns of relations between attitudes towards the political structure and process obtaining in the regional context, and the perception of law and order (Table 6.16). The creation of

Table 6.15 Trust in institutions and actors

Institutions and actors	*Bihar*	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*	*India*
Election Commission	33	27	44	57	48	48	46
Judiciary	43	39	40	39	33	42	42
Local government	30	40	41	14	40	51	39
State government	30	22	34	16	37	41	37
Central government	30	23	31	15	29	36	35
Elected representatives	19	18	21	5	13	26	20
Political parties	15	12	19	7	16	25	17
Government officials	16	12	14	5	14	16	17
Police	11	5	12	5	10	12	13

Source: National Election Study, 1996.

Table 6.16 Political attitudes and the perception of law and order

	Punjab	*Bihar*	*West Bengal*	*Tamil Nadu*	*Gujarat*	*Maharashtra*	*India*
Membership of parties, organisations/associations	0.12	−0.2**	−0.07	0.01	0.11*	−0.01	−0.03*
Parties are important	0.05	0.03	0.02	0.06	−0.01	0.04	0.03**
Efficacy	0.09	−0.01	0.05	−0.04	0.17**	0.03	0.02
Legitimacy	0.14*	−0.06	−0.03	−0.05	−0.23**	0.01	0.01
Trust in parties	0.14	0.04	0.15**	−0.01	−0.08	0.03	0.05**
Trust in elected representatives	−0.13	0.14**	0.06	0.13**	0.23**	0.15**	0.09**
Corrected R^2	0.03	0.02	0.03	0.01	0.12	0.02	0.02

Source: National Election Study, 1996.

Note
Multiple regression, with standardised beta weights.
* Significant at 0.05; ** significant at 0.01 or less.

social roots for parties has been facilitated through the devolution of power to administrative units coterminous with natural linguistic divisions, a complex system of quotas for the underprivileged social groups, elected village councils and, finally, a quota system for women at the local level. However, on the whole the explanatory power of the party system variables is low, with only 2 per cent of the variance accounted for in the regression of the national electorate. All the same, the variables crucial to the functioning of the party system, such as trust in the elected representatives, produce a strong and significant coefficient nationally as well as in all states with the exception of Punjab and West Bengal, though, I suspect, for different reasons. In West Bengal, the strong coefficient for 'trust in parties' picks up some of the contributions that trust in elected representatives has in other states, whereas in the case of Punjab, neither trust in parties nor trust in elected representatives appears significant.

The lesson that a strong element of sectional interest rather than public good underpins the contacts that politicians make with administrators is not lost on the regional elite. Does the knowledge of possible nepotism behind politicians' motives also generate its own antidote? Does the political process 'set a thief to catch a thief' and provide for some form of power sharing that provides optimal scope for the use of the skills and competence of administrators as compared to politicians while making sure that each holds a form of 'veto' when it comes to the scope for possible nepotism?

The following question was asked to measure the degree to which our regional elites are aware of the need of safeguards against nepotism and to ensure the best use of expertise: *Q28. Following is a list of certain matters on which decisions are frequently made. We are interested in finding out who in your opinion should be primarily responsible for taking decisions on each of the following matters. That is to say, should it be the responsibility primarily of the administrator, or of elected leaders, or both, or neither?* The results are presented in Table 6.17.

The agency function of elites, a salient factor in local governance, anticipates an effective collaboration between leaders and administrators, set within the framework of orderly rule. Nothing lowers the legitimacy of the system more than the perception of the government and public institutions as nests of personal corruption, nepotism, cronyism and oligarchy. The countervailing forces of leaders and administrators, complementing one another in terms of their respective areas of competence and generally acting as a check and balance on one another, are a safeguard against the neglect of those who feel uncared for, which eventually lowers the legitimacy and effectiveness of rules. The representative character of politicians can complement the neutrality and technical competence of the civil servant, particularly with regard to the distribution of resources. Though there are important regional variations, the results (Table 6.17) indicate the complementary roles on the part of regional elites that sustain governance.

Table 6.17 Leader–administrator collaboration in governance

Area of activity	*Primarily administrator*	*Primarily elected leader*	*Both*	*Neither*
Fixing of priorities in programmes	15	42	43	0
Policy decisions relating to day-to-day working of government	64	10	26	0
Implementation of programmes	75	5	20	0
Distribution of loans and subsidies	61	11	28	0
Allocation of licenses, quotas and permits	69	11	17	3
Selection of sites for programmes	29	19	52	0
Disposal of public grievances	29	13	58	0
Dealing with emergency situations such as droughts or floods	24	6	70	0

Source: Elite survey, 1998–9.

Conclusion: politics in command?

I have shown in this chapter how formal institutions and informal practices function as agencies of governance and constitute the mechanism needed to arrest the forces of everyday resistance against established order. Politicians contact administrators to intervene in favour of their clientele, and help devise local solutions to the myriad problems of everyday life. When these contacts take place in an environment of vigorous participation where performance is linked to political success, active politician–administrator contacts help harness the energies needed to sustain governance. The findings supplement the lessons learnt from the literature on civic culture.[23]

Already contested within industrialised liberal democratic societies, the state-centric view of governance is challenged even more fiercely in contexts where the institutions of state are not as completely indigenous and where powerful pre-modern forces perceive the institutions of the state as alien. These misgivings put the student of governance in a dilemma. More than social capital, I have argued in this chapter, it is political capital that holds the key to order. By locating our discussion of governance at the level of regions, I have examined some of these claims by focusing on institutional politics of governance that takes place under the façade of the state.

More than economic determinism and communitarian optimism, I have attributed the likelihood of governance to the ability of regional elites to calculate outcomes as they negotiate their way through issues of welfare and identity, and to their ability to devise appropriate institutional arrangements and an atmosphere of trust, individual efficacy and systemic legitimacy. Rather than the high politics of the state or the low politics of the locality, or even the surreptitious politics of the market, governance

depends crucially on the room to manoeuvre at the level of the region and the district. These political resources cannot stop great political upsurges from happening; but when they happen, countervailing institutions and administrator–politician coordination can slow them down, and afterwards can speed up the return to normal politics.

Administrators, political leaders, the police, judiciary and political parties constitute the middle ground between the citizen and the state in India's regional political arenas. The media, often politically engaged but without the burden of responsibility, play a catalytic role in holding public institutions accountable. The regional interlocutors of this study, while affirming the importance of these public institutions for governance, acknowledge the supplementary role of the national government in Delhi and the Indian army for governance in the federal states. The necessity, availability and inevitability of central intervention as an agency of last resort to maintain the rule of law (though the motives that lead to central intervention may sometimes be suspect and bitterly resented) are facts of Indian politics.

When they function properly, public institutions provide a cutting edge to governance and constitute an integrated cluster, so that the malfunctioning of a single element does not necessarily bring the whole structure down. The findings suggest that the agencies of governance are not one but many so that, in the absence of an institutionalised party system, other forms of agency such as leaders and administrators can constitute a sufficient condition for governance. Particularly noteworthy is the complex repertoire of politicians and administrators, acting in tandem through two-track strategies that sustain and enhance governance. A political party or coalition that establishes a linkage between its organisation and major social cleavages, and remains open to public institutions, can reap rich political dividends.[24]

The institutional synergy argument can, however, cut in both directions. Institutional complementarities, when balanced by an environment of countervailing forces, can sustain orderly rule in complex, politically fragmented societies. On the other hand, when they are penetrated and colonised by politicians or kin groups, public institutions can become stymied and identified with sectional interests, producing the political equivalent of crony capitalism. The ascension to power of a corrupt leader can contaminate the institutional base to a point where agencies of law and order no longer perform the role that is expected of them.[25] A long tenure in power can give rise to a cosy oligopoly with its attendant pathologies. A violent incident involving the murder of a policeman by several other inebriated policemen, widely reported in the press, draws attention to signs of declining governance in West Bengal, held by many as a model case of governance.[26]

The important issue here is whether the institutional network possesses enough resilience to restore the balance in favour of governance by mobil-

ising the countervailing forces necessary to arrest the tendency towards lawlessness. The range of measures taken by the Left Front government to give 'exemplary punishment to five cops' provides a contrast to the insouciance of the Bihar government in the face of the killing of three unarmed young men by the Bihar police in a fake 'encounter'.[27] The West Bengal Left Front government has been aware of the corrosive effects on governance of its successive electoral victories and unrivalled power, as reflected in discussion both in public and in internal documents.[28]

In India, while institutions matter greatly for governance in everyday life, as the examples given here make clear, both region and institution still need the complementary role of an exogenous authority capable of decisive intervention when the need for it arises. However, the residual role of exogenous intervention is critically contingent on the perception and performance of major public institutions. The search for countervailing forces that could arrest the vicious circle dragging governance downwards thus leads one to politics within as well as between institutions, pointing towards a political culture of trust (which is analysed at greater length in Chapter 7) and accountability at the level of regional society, and the judiciary's room to manoeuvre and to intervene in cases of gross violation of the rule of law and of due process.

Institutions are necessary but not sufficient for governance. One still needs the state as the binding mechanism and the shared foundational myth of state formation as the bond between the rulers and the ruled. These elements constitute the emotional and ontological basis of governance. The heated debates, strategic manoeuvres and political action tap into hidden reservoirs of political imagination, memory and anxiety. Transformed into new institutional resources, they reinforce or replenish the traditional bedrock of politics, either as indigenous modernity or as invented tradition.[29] These themes of trust, belief, memory and accountability that are at the heart of political culture constitute the main themes of the next chapter.

7 Modern state, pre-modern identities

Culture and governance in changing societies

The puzzle

In this penultimate chapter of my study of governance, I approach the liminal edges of normal politics where sanction-conscious, interest-driven, rule-abiding behaviour melds into the seemingly inexplicable behaviour of rational actors bent on their own destruction and that of their adversaries. Violent political behaviour in forms as diverse as the lone assassin stalking his prey, violent mobs, mass rape, inter-community conflict and terrorism form the empirical backbone of this chapter. The recrudescence of this form of political action, which has given the twenty-first century some resemblance to the politics of the heroic era of nation building, has once again confronted us with political action by well-organised, rational actors whose logic goes beyond the simple explanation of instrumental rationality. If death is the end of all felicity, then how can action that is tied to the ultimate likelihood of the annihilation of the actor be justified in terms of the logic of cost–benefit calculations that go into the making of institutions?

Why do people kill or die for what they believe in? Asked simply, the question evokes an intricate debate between those who see in such acts a symbolic sacrifice for the sake of deeply held values of identity, dignity and transcendence, and those who explain their outbreak in terms of less noble motives linked to material interests backed up by an array of high-minded rhetoric. Is suicide terrorism the final unravelling of 'chosen trauma' (Kakar 1995: 63), or a 'legitimacy deficit' (Davis 1973: 52), or is it driven by fun and profit, thinly veiled by noble, collective-minded action (Gopal Krishna 1985: 66)? This chapter explores this contested territory through the discourses of values, identity and trust and those based on sanctions and interests. It combines the insights gleaned from this comparative analysis for the formulation of a combined logic that underpins the stakeholders' view of governance, and prepares the ground for its empirical verification in the concluding chapter.

Identity and governance in the context of post-colonial India

The combination of strategic reform, law and order management and effective mediation between state and society by agents of interest articulation and aggregation can shape the flow of politics in an orderly direction. During colonial rule, many of these institutions and processes, true to their Utilitarian origin, had helped soften the brutal edges of foreign rule, and given the alien rulers of India a semblance of legality and legitimacy. The successor state supplemented the stock of inherited institutions with other Western imports, notably federalism and the concept of natural justice, melding them with indigenous institutions like *panchayati raj*. The fact remains, however, that the panoply of institutions has been more effective in facing challenges to orderly rule from class conflict than those based on confession. Paradoxically, the very rejuvenation that democracy has brought into networks of shared interests, forming demand groups that India's state-dominated pluralism is able to accommodate (Rudolph and Rudolph 1987), has also brought power into pre-modern identities that public institutions have struggled to take on board.

'What are India's publicly shared values and how are they to be expressed in institutional arrangements?' (Rudolph and Rudolph 1982: 132)[1] – this is a question that has made its violent presence on the national political agenda felt all over the nation ever since the Congress-dominated elite consensus broke down as the party lost power in the parliamentary elections of 1977. The conflict over the core values of the state, dormant in the early years of independence, has returned to haunt India's high politics in the new century. Unlike in India, cultural differences originating from religion, language, region or race do not appear as salient issues on the political agendas of the liberal, democratic West, whose political values and institutions occupy India's public space.[2] When such conflicts erupt, as in the race riot of 1968 in Watts, Los Angeles, rioting and burning Salman Rushdie's *Satanic Verses* on the streets of Bradford, England, or separatist violence in the Basque province of Spain, secessionist violence in Corsica and Muslim protest against the attempts by the state to exclude the headscarf from public schools in France, they are seen by major parties and the media as fringe phenomena, and treated as annoying but not as serious threats to the basic institutional arrangements of the state. In contrast, India's major political formations remain divided on 'what does it mean to be an Indian, how should Indians live, what should they value and how can they realise the things they value' (Rudolph and Rudolph 1982: 131–2). The presence of these fringe phenomena in Western liberal democracies is effectively localised by the institutional network and major parties. The polarisation and acrimony that mark similar phenomena in India are a study in contrast.

Subaltern cultures, empowerment of difference and the contestation of authority: state-nations versus nation-states

Embedded values that hold law and order as morally superior to criminal self-help are without doubt a great asset in ensuring governance. However, as most political leaders of changing societies discover to their dismay, efforts to generate and sustain deference by bringing culture under control come to grief sooner or later. The growth of conflict is accelerated in societies where a cultural hiatus separates rulers from the people. Co-opting the culture brokers of society, such as mullahs, *bhikkhus* or *sadhus*, is far more complicated for the modern state than it appears to be to new elites in a hurry to cloak their power in the legitimacy of culture. Their authority is challenged by marginal social groups who question the morality of the established order. Such protest movements gather momentum as power spreads from the centre to the periphery. Caught between conflicting loyalties to language, family, community, religion and other bonds that sustain identity and the obligation to uphold the law, political actors find themselves in an invidious position. The state itself faces a dilemma. On the one hand, without the backing of a moral community the claim to a monopoly of legitimate violence risks sounding hollow. On the other hand, the nature of the problem precludes the use of extreme measures. How, for example, can a state in societies 'where gods have not yet died' (Rudolph 1987: 742) use extreme force against citizens who hold their beliefs to be superior to their legal obligations?

The difference between nation-states, where collective identity took the form of a nation before the appearance of the modern state, and state-nations, where the task of nation building follows the birth of the modern state, with regard to the quantum of culture-related governance problems, is of great significance. States like France, Spain or the United Kingdom, with a national core of embedded values,[3] can cope with cultural nationalist movements like those in Corsica, the Basque province or Northern Ireland without serious damage to their legitimacy. But similar threats from culture-led secessionist movements in changing societies such as Pakistan in 1971, or contemporary Sri Lanka and Russia, quickly acquire very different dimensions.

India, in retrospect, has had an unusual history in this respect. In the 1920s, in deference to the norms of cultural difference based primarily on regional languages, the Congress Party organised its provincial branches on the lines of the mother tongue of contiguous majorities. However, after independence, with the bloodbath of the Partition of India fresh on their minds, the modernising elite of post-independence, post-colonial India under the leadership of Nehru backtracked radically on the promise of devolving power to culture-based provincial units. Incredible though it seems today, Nehru did try his best to rein in what he saw as the disruptive forces of cultural nationalism by refusing to concede linguistic states, and

going to the extent of foisting a bilingual State of Bombay on Marathis and Gujaratis, setting up the bi-religious province of Punjab and seriously contemplating the creation of a State of East India consisting of Bihar and West Bengal (Chapter 4).

Nehru, as I discuss in what follows, had to reluctantly concede linguistic states, a move that I shall argue, has actually strengthened Indian unity. On the whole, India has been relatively successful at accommodating conflicting identities under one single rubric of citizenship. This record has come under a shadow in recent times on account of sharp outbreaks of inter-community riots and their bitter aftermath. The 'mounting anxiety about the future of India' (Varshney 1993: 227) is borne out by the decade that spans the destruction of the Babri mosque in Ayodhya in 1992 and the inter-community riots of 2002 in Gujarat (Jaffrelot 2003). The inclusive character of the political system has appeared to be on the wane as public authorities are accused of being complicit in religious pogroms.[4] Communal mobilisation, deftly blending historical memories and material grievances, is seen by many analysts as ascendant. Policemen with long experience of violent mobs see the surge in communal antagonism as the great scourge of the modern state and governance in India. (Rajgopal 1987) The 'evil of communalism' is constantly present in the media. India, a series of ethnographic reports on the violent world of cultural nationalism assert, runs the serious risk of fragmenting on communal lines (Mahmood 1996; Hansen 2001; Brass 1997, 2003). Why do analysts of governance in India experience difficulties in taking culture on board, whereas conflicts based on class appear to pose fewer difficulties for them (Kohli 2001)?

'Communal' violence and 'normal' politics

Inter-community conflict, seemingly a permanent fixture on India's political landscape, ubiquitous in the media, referred to as *sampradayik danga* in north India's vernacular press and *communalism* in the English-speaking media, is a source of deep division in the Indian elite and within the scholarly community (Mitra 2003). Scholarly analysis of this 'essentially contested concept'[5] of 'communalism' – merely an epiphenomenon superimposed on class conflict for some and the very essence of identity and the origin of natural, necessary and intractable conflict for others – makes it imperative to consider the phenomenon in cross-national perspective.

I argue in this chapter that for 'communal' political actors in India (and their counterparts in sixteenth-century France or eighteenth-century England), righteous rage adds the violent edge to political conflicts and expresses itself through extreme forms of rule infraction. The actor feels empowered, and absolved through a loyalty deeper and older than that of citizenship of the modern state. Righteous rage makes it possible for ordinary people to assault institutional arrangements designed to maintain

social equilibrium. In a historical and comparative perspective, a hiatus between values held sacred by citizens and the core institutions of the state creates the potential for such conflict. When the state is seen to be violating the sacred, or established institutions fail to uphold what citizens see as sacred and therefore non-negotiable, resistance, even at the cost of life and limb, appears to be the only method to save one's dignity. Disaffected groups, as Natalie Davis (1973) points out in her succinct analysis of religious violence in sixteenth-century France, sought to protect what they saw as sacred and legitimate by temporarily assuming the roles of the state and the church. A 'deficit in legitimacy' was the main cause of religious violence in France, as indeed in Ayodhya in 1992. The violent uprisings were the impetus that led the state in France and Britain to the restoration of trust through institutional arrangements and symbolic action, eventually turning rioters into stakeholders and participants in the normal political process.

Violent resistance, undertaken in the form of criminal self-help in the defence of the distinctiveness of one's culture, the dignity of self or to settle scores against outrages to the modesty of one's kin, is not easily explained with reference to conventional models of instrumental behaviour. The incentives in this case are endogenous, for necessary action which the morally outraged undertake, and which inevitably acquires the character of an affront to lawful authority. Such action often becomes a goal in its own right for its authors.

Still, the markers of conventional action or motives (Gopal Krishna 1985) are not totally absent from collective violence based on religion. Though a precipitous decline of legitimacy is a necessary cause of religious violence, it is not sufficient by itself. As in all cases of collective action, it requires facilitating conditions such as the reassuring weight of numbers, and entrepreneurial leaders who can simultaneously identify with the 'cause', claim social ties with the disaffected, and invoke divine blessing through dissident clergy.

I argue in this chapter that in changing societies, *governing culture* involves the accommodation of pre-modern identities within the institutional structure of the modern state; and, intelligent law and order management (see the interview with Mr Khopade in Chapter 5) that can spot the mundane and material factors that lie beyond the rhetoric of the ringleaders. When successful, the double strategy provides an institutional mechanism to resist communal polarisation that reduces the efficacy and legitimacy of the conventional agents of law and order. Institutional changes that incorporate the salient features of competing identities into the constitution, and in the process put them beyond political contention, can restore social equilibrium and create conditions for social harmony and trust. I illustrate these arguments in this chapter through brief references to the rise and decline of contentious issues such as language and personal law. These success stories are contrasted with the failure to

develop enduring solutions to religious conflict, of which Ayodhya, a site of conflicting memories for Hindus and Muslims (rather like Jerusalem for Christians, Jews and Muslims), is a prime exemplar. Here, unlike in the earlier cases of language and personal law, the claims and counterclaims have persistently refused the move towards a common institutional space. Can such efforts, made *surreptitiously*, under the aegis of countervailing forces that juxtapose the government of the day with opposition parties, independent commissions, the media, interest groups and the judiciary, generate institutional solutions for governance?

The current state of intra-elite polarisation in India can be seen in its artistic and academic depiction. The very metaphors used in ethnographic narratives, such as 'the virus of communalism', 'the cancer', 'the creeping fascism of the state', the 'criminalisation' of the police and politicians, sustain the general image of a slide into an anarchic, violent, politically fragmented society. But metaphor is not argument, nor is the sense of fatality insinuated by ethnographic studies conducive towards the search for an optimal institutional solution to disorder linked to culture. The approach I adopt here conceptualises communal riots in India (as indeed their counterparts in the religious riots of sixteenth-century France and eighteenth-century England) as collective political conflicts amenable to political analysis. I do not consider 'communalisation' of politics necessarily as an aberration and an exasperating descent into irrationality. It is an extension of normal, everyday politics into areas previously considered to be beyond the pale of politics. Seen from this angle, 'communal' violence is the deepening of politics through the politicisation of deeper layers of memory, resentment and anxiety, locked into a state of suspended animation, kept out of focus by institutions and processes of everyday politics.[6] A dual approach that can draw on both the material-instrumental edge and the deeper, submerged stretch of reality by combining the access to the inner world of the actor of ethnographic studies and the tools of political analysis has the potential capacity to string the micro narratives into a macro framework. A political strategy that draws on both is capable of engendering political trust, social equilibrium and governance.

Though I prefer to use the more neutral category of cultural politics to denote cultural and symbolic factors that deeply affect political choices, the chapter remains focused on the concept of 'communalism', the operational category through which the Indian society and state recognise it, in order to enhance the comparative reach of our analysis.[7] Why do ethnographic studies and political analysis sometimes give the impression of talking past one another? The divergence of inferences can actually be attributed to a deeper disagreement on their basic characterisation of reality.

In terms of their own reasoning, ethnographic accounts make it clear why as a phenomenon communal violence is not easily accessible to the categories of political analysis. The actors in these narratives are not seen

as individuals, but instead are conceptualised as an organic mass driven not by a sense of profit, but by anxiety, charged with a mystical and cathartic sense of exhilaration. The process of crowd formation is seen not as based on individual rationality, but instead as expressive of mass hysteria.[8] The pictures that one gets from ethnographic studies are vivid. The outbreak of a communal riot, or even the rumour that one might be in the offing, activates a conditioned reflex in the minds of individual citizens as well as in the agents of the state. Riots, particularly those between Hindus and Muslims in India, as the psychoanalyst Sudhir Kakar writes, invoke the subliminal trauma of the Partition of 1947 and the genealogy of its predecessors handed down from one generation to another. They bring back the historical memory of foreign invasions, suffering, humiliation, fear, anger and a sense of loss. The Republic of India started its career with the greatest communal carnage in recorded history – a horror that remains in the subconscious as a 'chosen trauma'.[9] No symbolic acts of public catharsis have been organised in India, such as the Truth Commission of South Africa, or the symbolic elevation of victims into survivors by giving their collective memories canonical status through public commemoration of grief and repentance. Communal riots are thus evocative of unfinished business, the fragility of peace, the soft underbelly of outwardly strong and stable institutions of the modern state, of one's own vulnerability, and are thus seen as retaliatory acts of superhuman potency to set the historical wrongs right.

A sense of *trahison des clercs* – of having been let down by their superiors, who should have known better – fuels the moral anger that goes into the making of the fury of the crowd engaged in acts of criminal self-help that go under the generic name of 'religious' violence. However, as we learn from historical accounts of religious violence from Europe and recent events from India,[10] the little man, killing, maiming, raping, looting, and getting killed, maimed, etc., is no anonymous face in a mass gone mad. The agents of violence and their victims are often ordinary family men, artisans, peasants, striving for a cause. These actors from religious violence in Europe at the intersection of the medieval period and the modern age are recognised as such by their historians three centuries later. Their Indian counterparts have done less well at the hands of their historians, though one might have thought that, thanks to the proximity in time and greater accessibility of the sources, the scholarly toil of their Indian equivalents would have been more productive in terms of enlightening the reader concerning the motives that unleashed such passion and fury.[11]

We learn from ethnographic accounts that when 'communal' riots break out, or riots are given a communal complexion, politics shifts gear. Riot managers become riot-mongers and manipulate the reconstruction of the course of events to suit their hypotheses. A contrasting view can construct the same events as sites of conflict, painful memories of loss, shared by the rioting crowds; of conflicts among competing departments of the govern-

ment and the media for ownership of the facts; and bitter rivalry among academic specialists whose own legitimacy derives from competing paradigms of violent, collective behaviour. The mixed motives attributed to communal riots give free play to theoretical hobby-horses by specialists, drawing on core concepts such as class antagonism, indifferent or inadequate policing, violence targeted at particular communities with the specific purpose of land or business grabbing, or violent outbursts of a collective subconscious. Empirical reasoning (Gopal Krishna 1985) shows the preponderance of interest-driven issues with regard to the outbreak of inter-community conflict as compared to themes linked to identity or belief.[12] Tales of savagery and perversity, and lurid media accounts of violence against women, make accounts of specific riots disappear and reappear as parts of larger problems.

The difficulty of applying the tools of political inquiry to specific outbreaks of communal violence is compounded by the non-availability of appropriate data with regard to motives, or even a consensus on the chronology of events (Brass 1997). In view of the unreliability of data, Rajgopal argues that it is not possible to formulate a 'neat sociological theory' in the case of communal riots (1987: 21). However, to argue that no 'neat' theory is possible is not the same as to assert that inter-community violence is out of bounds for political analysis. The issue is: to what extent can one extend the normal tools of inquiry to the dissection of the violent rage and collective outburst leading to actions pursued by goal-oriented individuals rather than merely describing them as irrational, pathological behaviour by mobs driven by hatred, profit, lust and fun?

Memory and violence: public institutions as sites of conflict

Beyond the fact that communal riots are 'occasions for giving expression to the pent-up anger [of] individuals and groups . . . against the system as a whole' (Rajgopal 1987: 22), there is little consensus among scholars about their underlying causality. At one extreme is the 'social welfare' position that conceptualises communal riots as 'articulating secular needs of the community on communal lines', though the immediate targets happen to be the visible symbols of authority and the political system. The prime cause for this anger for Rajagopal is lack of work, lack of decent housing and other civic amenities, and the lack of hope that things will improve in the near future. Also belonging to this genre are arguments that attribute an instrumental character to community mobilisation by manipulative leaders who wish to further their own material goals through such efforts.[13] At the other extreme are those who see a communal riot as the tip of the iceberg of an underlying irreconcilable disagreement, derived from historical memories that render inter-communal bridge building impossible and in effect render territorial exclusiveness as the only solution (Kakar 1995; Brass 2003). Indifferent or insufficient policing is a supplementary

argument that acts as a multiplier in both hypotheses regarding the causality that underpins rival explanations of inter-community riots. For an analytical and comparative understanding of this scourge of the modern state, one needs to move beyond these polarised oppositions and examine empirically grounded accounts that offer the potential for detailed theoretical analysis. I now discuss the kind of historical memories in which failing or failed institutions are ensconced.

Institutions can be effective and legitimate only if they are understood and respected by both rioters and their victims. In the uncertain moral universe of communalised politics, tales of torture, rape and violent death are constantly told and retold, and constrain the preferences and strategies of actors, depending on the context. Sudhir Kakar (1995) illustrates his concept of the formation of cultural memory with two narratives, related, embellished at every retelling and taken for true by the subsequent users of the narratives of the Partition of 1947.

The story of a cousin told by his elder brother

> Sohan Lal killed himself on the way to Rohtak. He threw himself in front of a train. I could not stop him. We had made all the arrangements for the escape from Lyallpur. A Muslim truck driver was ready to drive the three hundred miles to the border for six hundred rupees. Sohan Lal had been married for only five months. He had a very pretty wife.
>
> On the day of our departure we went out to make the final arrangements with the truck driver. The house was attacked in our absence. When we came back we hid on the roof of a Hindu neighbour's vacant house. We watched five husky Muslims in our courtyard. They had long butcher's knives stuck in their lungis. They were methodically looting the house. The corpse of our youngest brother – we were three – lay in the courtyard, the head completely severed from the trunk. One of the Muslims sat on a chair in front of the corpse directing the looters. They were bringing out the packed trunks from inside the house and throwing them in front of him on the ground. The ground was cluttered with wedding sarees and coloured silk blouses. I can still see the shining brass pots lying on their side reflecting the rays of the afternoon sun. We could not move. I was transfixed by the sight of the leader's hairy torso of which every inch was covered by a thick black fur. Then two of the Muslims went inside the house and brought out Sohan Lal's wife and the leader pulled her to him. She sat on the man's lap, naked to the waist, her petticoat ripped open, and the Muslim's hairy hand, like a giant back spider, covered her thigh. After laying her on the ground next to our brother's corpse, where drops of blood still oozed from the severed neck, they raped her in turn. I was holding Sohan Lal fast, my palm covering his mouth. If he had made

> the slightest sound the Muslims would have discovered us. But I do not think Sohan Lal would have done anything. His legs were buckling under him and I had to hold him up. After they finished, they ripped open her belly. Sohan Lal never said a word after it was all over and the Muslims had gone. In the days it took us to cross the border he remained mute. I tried my best to make him talk, to make him shed some of his grief in tears but his soul remained far away. He killed himself just before we reached Rohtak.
>
> (Kakar 199: 34–5)

Kakar explains how, if the previous narrative is one of desperate and impotent rage, the one following is the type to send a rush of blood through the veins, and a surge of potency in the tiny groups of refugees fleeing the violent pogroms of West Pakistan, huddled in cramped circumstances, desperately seeking to move from humiliating victimhood into the dignity of being survivors.

The cousin from Lahore

> We did try to retaliate, at least the younger Sangh [Rashtriya Swayamsevak Sangh] members like me. And of course, the Sikhs. A police inspector told me of going to a Sikh village where there was a reported massacre of the Muslims. As the police entered the village they passed under a kind of welcoming arch which was a rope strung out between the poles. To this rope, attached with short pieces of string, were the circumcised penises of all the Muslim men who had lived in the village, hanging there as if they were small eels drying in the sun.

Rape (or *gang rape*, in the brutally precise expression with which the Indian police and media usually report it) is the last argument in the violent discourse of communal conflict. Presented as factual accounts, these anecdotes are no doubt often constructed by each narrator to suit the specific context and purpose. The latter can be simply a cathartic expiation of guilt, sublimation of anger, or simply an act of self-redemption for the lone individual located away from his organic, primordial group. For the enraged ethnic leader ensconced within his kin group, marginalised by the wider society, the narration becomes a means of political mobilisation. Facilitating conditions, such as a pre-existing dispute on ownership of a religious site, religious practices considered offensive or provocative, or a drastic change in the macro-political environment that affect the relative power of communities, account for the relative success or failure of such attempts.

Kakar and Davis remind us that conflict over identity and exclusive space is at the core of inter-community violence. Collective rage is about the denial of legitimacy by the authorities (the state and the church) to

what the 'saint-soldier', in the evocative phrase of Cynthia Kepley Mahmood (1996), considers morally right, about the denial of dignity to symbols one holds as sacred, about the chance to wrest back control over a designated territory or area where one can see one's sacred symbols safely ensconced. This longing for an exclusive territory is one of the main catalysts of inter-community conflict.[14]

The accounts of cultural memories and chosen traumas that we get in Kakar (1995) provide some explanations for the sadistic and sexual violence that characterises inter-community riots. Once one understands this, it is not difficult to comprehend why the kind of moral exhortation offered by post-riot judicial inquiries and secular condemnations is likely to make little impression on their perpetrators. We need therefore to look closely at political conflicts that in the past have sparked off violent communal riots but, over time, have ceased to exercise the same political and moral significance in order to understand how this transformation has come about.

The existence of countervailing forces, providing an institutional forum for the articulation of competing moralities, helps juxtapose the accommodative potential of liberal institutions with the power and decisive character of majoritarian democracy. The guarantee of a shared public space in a society divided by religion can provide a sense of security for those whose identities are contested. This enhances trust in the political system, leading in turn to higher governance. The model of countervailing forces active in the Indian political system (Figure 7.1) helps explain the origin of

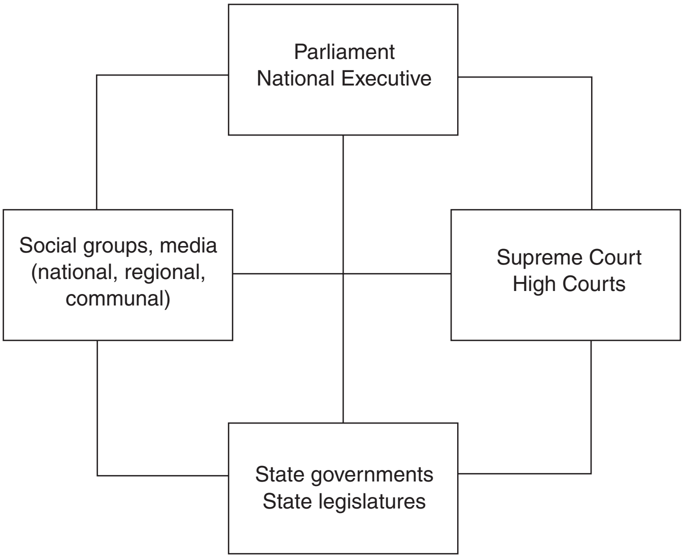

Figure 7.1 Countervailing forces and the mediation of identities.

power sharing through federalism, empowerment of difference through consociational democracy and the validation of individual rights as well as group rights through judicialisation as their impact on the accommodation of identities and the reinforcement of political trust. In the accounts that follow, the model (Mitra and Fischer 2002) is used as a framework of analysis for successful resolution of conflict over language and personal law and the current impasse on Ayodhya.

Rioters into stakeholders: institutional solutions to the conflict over language

Compared to the first years after independence, conflict over language is no longer the burning issue that it once used to be.[15] Though there continue to be frayed tempers from time to time and the odd demonstration based on regional sentiments, rarely does one come across the violent agitation that used to be routine in the 1950s on the issue of language as the key element of identity.[16] The politics of the 1950s, following the high drama of Partition, integration of the Princely States and nationwide expansion of universal adult franchise, was very much one of language conflict. Once independence was achieved, the modernist Nehru railed against the 'disease of nationalism'. He fervently believed that 'language loyalty, like other forms of tribal loyalty such as religion, caste, and class, could be placed in the museum of irrational beliefs and outmoded caprice' (King 1998: 27). Nehru tried to move the focus away from mother tongue altogether. But with the quickening of the pace of democratic mobilisation, Nehru's effort to relegate language to the periphery and instead to concentrate on economic growth and social reform, which he considered the real issue of politics,[17] lost its momentum. He finally gave in to the demand for linguistically delineated states after the fast to death on 15 December 1952 of Potti Sriramulu, a Telugu leader who was a staunch advocate of the creation of Andhra Pradesh, a linguistic state for Telugu speakers. This led to the setting up of the States Reorganisation Commission in 1956, whose recommendations led to the radical redrawing of India's internal boundaries, creating states primarily based on mother tongue. With the resolution of most of the linguistic province issues in 1956, language went into terminal decline as a marker of political identity and source of political mobilisation.[18]

A series of provisions incorporated into the Indian Constitution to ensure the rights of minority languages have helped to transform language rioters into orderly citizens and stakeholders in regional governments. These articles form the basis of legislation by the centre and state governments. The implementation of the constitutional intent is further reinforced by a wide range of case law produced by the Supreme Court and state High Courts. Finally, there are semi-judicial measures such as executive orders, notifications and memos which help meet specific needs and

eventually find their way into the wider structure of the governance of culture. Since the technical details of the legal structure and judicial intervention are not widely known, a few of these measures should serve the purpose of illustration.

The freedom to express one's views and ideas through any communicable medium is protected by the Freedom of Speech and Expression – article 19(1)a of the Constitution of India. The right of a detainee to be told the grounds of detention in the language he or she understands is protected by the Fundamental Right of Detenue – article 22(5). The rights of linguistic minorities are protected by articles 29, 30, 350A and 350B. Article 29 reads:

> (1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same. (2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of state funds on grounds only of religion, race, caste, language or any of them.

Article 30 reads:

> (1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice. (2) The State shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Article 350A requires every state and local authority to provide facilities for instruction in the mother tongue at the primary stage of education for linguistic minorities. Article 350B introduces the Commissioner for Linguistic Minorities in India.

The structural innovations regarding language, indicative of the solicitude of the Constitution to defend both equality and difference, have been effectively complemented by a number of other institutional arrangements. The right of MPs to express themselves in their mother tongue is guaranteed. Article 120 lays down that business in Parliament shall be transacted in Hindi or English, but any members who cannot express themselves adequately in Hindi or English may be permitted to address the House in their mother tongue. Though Hindi was accepted as the official language of India, and the use of English was authorised only for fifteen years, subsequent developments have removed the time limit on the use of English. As for scheduled tribes, articles 244(2) and 275(1)(a) and the Sixth Schedule provide specific regulations protecting the scheduled tribes, their culture and language; financial assistance has to be

granted by the central government. These constitutional and legal norms are effectively defended in courts of law by the interested parties.[19]

Governing personal law

India's personal laws covering matrimonial matters, guardianship, adoption, succession and religious institutions have long been a source of political controversy and violent conflict.[20] The 'modern, secular and progressive' members of the Constituent Assembly hoped that the controversy would soon die out under the impact of the new social legislation, which would set free the 'spirit of a nation, long suppressed'. Those opposed to the social engineering efforts of an interventionist state, led by intellectuals and legislators hailing principally from the majority Hindu community, perceived a general threat to their dignity as well as their identity in such endeavours. They used every method available to them to countermand or sabotage statutory changes, and to delay their implementation when attempts to resist legislation had been to no avail. Many have viewed the coexistence of diverging matrimonial laws for Hindus, Muslims, Parsis, Christians and Jews within a single polity as an obstacle to the 'progress of a modern nation'. In the cut and thrust of India's robust and competitive democracy, the issue of a uniform civil code has emerged as a constant presence on the national political agenda, its intensity varying according to the context and the conjuncture.

Personal law, which affects the intimate and private spheres of life, is, in consequence, deeply connected to belief and community. For that reason, the imposition of uniform rules from above by executive fiat, parliamentary legislation or judicial rulings carries the potential to be perceived as an illegitimate intrusion into the private domain. A personal law regime thus involves the high politics of the state, legal institutions with regard to belief, faith, worship, practice and the management of religious property, as well as, at the level of the everyday, issues of the politics of allocation, elections, coalitions and the sentiments of ordinary people. Personal law calls for a delicate management of centre–state relations. The federal division of powers, which has put marriage in the Concurrent List and enjoins the cooperation of the centre and the states to evolve a consensus on matters of family law, is of great importance in this respect. While matters of faith and custom are often local in nature, the implication of legislation meant for one locality in such sensitive matters can affect the sentiments of people belonging to the same community in other parts of India.

The institutional provisions for countervailing powers with regard to administrative and legislative competence in matters of personal law are further enriched by another set of institutional and quasi-institutional provisions, originating from a process of 'judicialisation', namely, the power of the Supreme Court and the High Courts to 'make laws' and to reform as well as create legal institutions through rulings and interpretations

(Sweet 1999). The application of this model to the controversies surrounding India's personal law system has made it possible for judges to assert their own authority in the governance of the Indian family while legislative politics operating on the basis of majority rule has partly failed to find a systematic solution to the problem. In addition, there are independent commissions such as the National Minorities Commission and Human Rights Commission, funded by the state to act as a watchdog of minority interests. What is more, the minorities themselves are also directly involved in the evolution of Indian family laws via their respective personal law boards and other religious or legal organisations. Less formal, but no less effective are the media, which reflect the diversity of opinions resulting from national, regional and local perspectives, and the views of different communities as well as those of interest groups. Finally, the process of coalition building, made imperative by the first-past-the-post electoral laws of India, lead to cross-regional and inter-community bargaining. These processes of federal and consociational arrangements and the resulting accommodation of diversity take the form of countervailing forces (Lijphart 1996).

In seeking to bridge the hiatus between the modern state and traditional society with regard to points of law in matters of family, property, faith and worship, the post-colonial state has followed in the footsteps of its predecessor. After initial attempts at social reform and the standardisation of law, the social resistance to these attempts made the British decide to continue the syncretism of the legal tradition of their predecessors. As a result of the slow and incremental evolution of colonial law, the transformation of indigenous legal traditions took place only gradually. Nevertheless, the central principle of colonial rule was one of accommodation of classical and customary rules rather than creation of new social codes. The intention behind these legal innovations was to produce an environment in which criminal self-help would be perceived by potential lawbreakers as both unnecessary and costly in terms of guaranteed sanctions.[21] Eventually, Anglo-Hindu and Anglo-Muslim law emerged as new forms of colonial knowledge, and the existing customary laws eventually became 'legal' in a modern sense.

The successor elites of the post-independence state in India inherited this tradition and culture of legal accommodation of moral diversity rather than its sublimation under a specific moral code. The commitment to minority rights was an important part of this legacy.[22] The demand for the protection of minorities was repeated in Jinnah's Fourteen Points of 28 March 1929. The result of the countervailing forces represented by the British, the League and the Congress was a conciliatory tone adopted by Jawaharlal Nehru in his letter to Jinnah of 6 April 1938, in which he gave a categorical assurance that 'Muslim personal law and culture should be guaranteed by statute'.[23] These assurances eventually found their way into the institutional arrangements of the new state by the way of the following

provisions that affect minority interests. Thus, article 15 directs the state not to discriminate against any citizen on the ground only of religion, race, caste, sex or place of birth or any of them; article 25(1) guarantees the right freely to profess, practise and propagate religion; article 26(b) guarantees every religious denomination the right to manage its own affairs in matters of religion; and article 29(1) extends to all groups of citizens the right to conserve their distinct culture. The Constitution nevertheless left the door ajar for public intervention in the realm of personal law by providing a directive (not enforceable in a court of law) for the state 'to endeavour to secure for the citizens a uniform civil code throughout the territory of India' (article 44), and empowering Parliament and the state legislatures to make laws in the areas which since the pre-Constitution days had lain in the domain of personal laws (article 246).

For Nehru, the religious policy of the state was essentially a means to move towards the larger objectives of nation building and economic development. Despite his success on the floor of the Constituent Assembly, Nehru, at India's independence, already possessed enough administrative experience to realise the distinction between wishful thinking (that is, implementation of a uniform civil code for the whole of India) and the hard political realities of potential opposition from conservative Hindus and minorities. The result was a dilemma for Nehru and the Congress: how could the state use the power that it received from the accommodating of prevailing social interests and yet destroy at least some of those very social forces in fulfilling the intentions of the Constitution?

In the event, Nehru devised a strategy that consisted of an effective combination of political transaction with those opposed to his goals, and periodic reassessment of the capacity of the political system to take the load (Mitra 1991a). The Hindu Code Bill was designed to be part of a general attempt to produce a uniform civil code for the country, an intention declared in the Constitution. However, in the face of growing resistance from within the Congress Party, the bill was withdrawn, thus provoking the resignation of Ambedkar, its most ardent advocate. It was reintroduced in piecemeal form after the convincing victory of that party in the first general election. In the course of the long debate on the bill, the party ran out of steam and abandoned attempts to draw up a uniform civil code for the country.

The uneasy truce between the state and society on the issue of a uniform civil code, struck on the occasion of the passage of the Hindu Code Bill and sustained through the complex mechanism of check and balance, and compromise, institutionalised in the form of the Congress 'system', gradually lost its holding power as the leaders of the first generation after independence passed away. Hindu upper castes moved away from Congress, and the hiatus between Hindu personal law and that of Muslims began to gain salience in the political marketplace. This was given sudden visibility by the celebrated case of Shah Bano, in which a divorced

Muslim woman asserted her right to alimony under the fundamental right to equality (divorced Hindu women enjoy the right to alimony) and was granted redress at the first instance by the judiciary. A Supreme Court bench of two judges took the view that the law was not clear. Therefore, they referred the matter to a bench of five judges headed by Chief Justice Chandrachud, which dismissed the husband's appeal and confirmed the decision of the High Court. The fact that these five judges were Hindus and the fact that these non-Muslims interpreted the Qu'ran became the political basis of the controversy that followed.[24] Numerous demonstrations and riots led to political considerations that in turn contributed to the rapid passing of the Muslim Women (Protection of Rights on Divorce) Act 1986, which was widely understood at the time to prohibit a Muslim woman from going to court to seek a maintenance payment from the man who divorced her.

However, we learn from recent case law that the Muslim Women (Protection of Rights on Divorce) Act 1986 has done precisely what its name suggests and has proved rather beneficial to divorced Muslim women who were unable to maintain themselves appropriately after the *iddat* period. The 1986 Act has not taken away the divorced Muslim woman's right to claim maintenance from the former husband but has in fact strengthened it. The 1986 Act offers a more or less instant remedy today to any divorced Muslim woman in India who, at the end of the *iddat* period, finds that her ex-husband has not made reasonable provisions for her future maintenance.

The empirical evidence of the social recognition of the new 'equilibrium' with regard to personal law in India, resulting from the Muslim Women (Protection of Rights on Divorce) Act can be evaluated on the basis of survey data on the personal law. When asked '*Every community should be allowed to have its own laws to govern marriage and property rights. Do you agree or disagree?*', one finds considerable support within Indian society for the existing institutional arrangement with regard to the simultaneous existence of multiple personal laws. On the whole, more people agree with the existence of multiple laws (44 per cent) than disagree (30 per cent). The percentages reverse in the case of the voters of the BJP, but only just; the tendency to support the current arrangements is very strong among supporters of all other parties (Mitra and Singh 1999: 149–50).

Religion and political order: sacred places as 'realms of memory'[25]

The legitimacy of all institutional arrangements is conditional on the acceptance of their authority by the main political forces active in a society. Remarkably, despite the rhetorical exchanges between the religious extremists on the two sides of the communal divide on the issue of the destruction of the Babri mosque in Ayodhya, the main difference between the BJP and the Babri Masjid Action Committee lies only over

the interpretation of the events rather than the judicial and legislative competence of the main institutions involved.[26] The protracted political and legal controversy over the exclusive right of ownership and worship over a site of 2.77 acres (1.12 hectares) in Ayodhya has emerged as the most visible example of religious conflict as a challenge to governance. The primary actors in this case are the Ramjanambhoomi Trust of Ayodhya, which wants to rebuild a temple on this spot, believed to be the sacred birthplace of Rama, the legendary Hindu god-king, figure of rectitude and piety and slayer of demons. Local myth has it that the temple was destroyed and a mosque was erected in its place by the Mogul Emperor Babar. The Babri Masjid Action Committee, the counterpart of the Trust, wants to re-establish its right as the sole owner of the land where the Babri Masjid stood before its demolition by a mob of Hindu fanatics on 6 December 1992.

Over the past years, the specific conflict has assumed the dimensions of an iconic symbol whose meaning and significance go far beyond the original claimants. Thanks to the electronic media and the enduring presence of the articulate protagonists in the political and electoral arenas, Ayodhya has now reached the status of a realm of cultural memory for large sections of the Indian population. For the Muslim defenders of the claim, it is a test of the ability of the political system to protect their dignity and cultural identity, an ever-present 'chosen trauma' that has increasingly assumed the proportions of a meta-narrative of the Islamic identity, facing up to majority communalism. The demise of the one-dominant-party system and its replacement with the politics of multi-party coalitions, and the ever-present intrusive national and international electronic media ensure that most of the debate is held in the public arena rather than within the secretive entrails of the Congress Party, as it was in the case of language or personal law discussed earlier in this chapter.

The dispute in Ayodhya brings to a focus the contradiction inherent between the twin principles of individual and group rights. As the message of democracy spread, the search for the core values of India's public arena became increasingly trenchant. Ethnic and national minorities now challenge the state and its capacity to accommodate their interests by demanding neutrality vis-à-vis the majority community as well as genuine recognition and active support for their cultural and religious identity. This is resisted by those who speak in the name of the 'majority community', demanding the recognition of their core values in the public sphere.[27]

The nascent Indian state attempted to realise this ideal of the recognition of the equal importance of diverse social groups and moral communities, and their incorporation within the structure of a national state attempted to accommodate religious differences through the twin concepts of *sarva dharma samabhava* (equal attitudes towards all religions) and *dharma nirapekshata* (religious neutrality). It also made every effort to acknowledge the salience of individual rights to freedom of religion and

equality before the law, and group rights to cultural and religious practices in its charter of fundamental rights. The post-colonial state thus made attempts both to accommodate the fact of the existence of several religions that played a salient role in the social life of India's citizens and to assuage the apprehension of non-Hindus concerning a possible Hindu majoritarian dominance. This created what can be termed a *fuzzy* notion of multiculturalism, to distinguish it from radical multiculturalism which would require the state to explicitly acknowledge the existence of plural identities in the public sphere, and from various forms of monoculturalism promoting the culture of one social group to the detriment of others by elevating its language, religion and status to a hegemonic position within the structure of law and administration.

In the wake of the rise of the Bharatiya Janata Party to power in the central government at the head of a coalition have come its attempts to instil Hindu values into the school curriculum, which has revived the earlier textbook controversy (Rudolph and Rudolph, 1982). As mentioned before, the supreme law of the land spoke of the rights of both individuals *and* primordial groups, but provided no consistent guidelines as to why the state should support one or the other in a specific context.[28] However, five decades of full, free and uninhibited competitive politics following independence has succeeded in putting the ambiguity implicit in this fuzzy definition of multiculturalism to the test, forcing an alternative in the form of a nation based on *hindutva*.[29] That alternative is the source of great anxiety to 'secularists', who see in such arguments a dangerous portent of the rise of 'Hindu fascism'. But this secularist argument on its own does not advance a theory of a multicultural state in India. For besides mechanically repeating that India is a secular state and should remain so, the secularist lobby offers no satisfactory theory of the nature of the Indian nation and its relation to India's culture and religions.

At issue is the inconclusive nature of the solution to the problem of incorporating multiple religious identities within the structure of the state. While short-term calculations of political opportunities certainly play a role in giving particular salience and virulence to each of these issues, their consistent appearance in time and space points towards factors that go beyond the exigencies of everyday politics. Advocates of modernity, such as Nehru, sought to reduce the salience of this problem on the national political agenda by making a non-issue out of it, or by promoting the spread of 'rational thinking' through science and technology and social reform, which they fondly hoped would make the traditionalist opposition to modernity disappear. But looking back to the 1950s and considering from that vantage point all that has happened since in this specific area, one is inescapably driven to the conclusion that in terms of its political significance and philosophical basis, multiculturalism, despite all its imprecision, still remains the best solution for democracy, governance and civil society in India.

Judicialisation: surreptitious acculturation of the public sphere

The political discourse on Ayodhya entered a new phase with the instruction of the Lucknow bench of the Allahabad High Court to the Archaeological Survey of India to 'excavate the disputed Ram Janambhoomi–Babri Masjid site' in order to establish, on the basis of archaeological evidence, 'whether there was a Ram temple at the site, and if the mosque was constructed after its demolition'.[30] Reactions to the court order were predictably diverse. The Muslim Personal Law Board held that 'the [archaeological] evidence would not be of much value'. The Ramjanambhoomi Nyas held the excavation as unnecessary because the recently concluded radar survey had thrown up 'evidence of a Ram temple'. The Viswa Hindu Parishad, while welcoming the court order, suggested that 'similar directions should be passed in respect of other shrines destroyed by invaders'. The Congress Party saw the order as 'part of the judicial process for the final adjudication of the dispute'.[31] Despite these differences, however, no voice of disagreement was raised which questioned the institutional framework within which the Ayodhya dispute is ensconced, though at least one dissident voice in the media suggested a political compromise between the parties in conflict as a better solution than judicialisation.[32] The wheels of countervailing forces have been set in motion again, giving credence to the Indian 'model' in matters of contested identities.

The involvement of the judicial process with the issue of identities and governance should be seen as the context of a landmark judgment on the issue of the status of *hindutva* as a part of Indian culture.[33] The important point to note is that the Supreme Court acknowledges the tolerant pluralism and syncretism of classical Hinduism; is willing to concede the imperative of a common culture for the public sphere of the state; and is unconditional about very specific and context-bound interpretations of the references to religion. Thus, the mention of religion in itself is not taboo, but the use of religion for the purposes of discrimination, incitement to hatred or disharmony[34] falls under the purview of the Indian Penal Code. The court came to this conclusion in a circuitous way.[35] The judges were, however, very particular about stating the secular character of the state as part of India's core values, holding categorically that 'the religion of a candidate cannot be used for gaining political mileage by seeking votes on the ground of the candidate's religion or alienating the electorate against another candidate on the ground of the other candidate's religion'. The court also reaffirmed that 'the State has no religion' and that 'the State practises the policy of neutrality in the matter of religion'.

Harmony, accommodation, trust and governance: elite discourse and public opinion

The *hindutva* judgment has not led to a new consensus about the use of Hindu cultural symbols in the public sphere.[36] In the event, the stakeholders locked in conflict and the police are often left to their own devices when it comes to religious strife. Field experience bears out how unclear the legal norms are when it comes to imposing order on mobs rioting in the name of religion. A narrative from an elite interview[37] (conducted, as it turns out fortuitously, in Godhra in Gujarat in 1999 long before the context shot into national and international prominence) gives an idea of the nature of the ground reality with regard to intense intercommunity violence. When asked to name a specific incident from experience which had an implication for governance and how he had coped with it, the police officer narrated the following:

> Curfew was imposed in Godhra for three months. On Jan 3, 1991, 10,000 [Muslim] women gathered on the main road and created a traffic jam for six hours. They were agitating about [alleged] third degree [treatment] by the police on the private [parts] of some Muslim in custody. The accused was brought before the magistrate the previous evening and asked about the third degree treatment. He had said 'no'. [The respondent implied that according to the accused there were no third degree treatments.] But the women were blackmailing the police, making useless [*sic*] allegations against them. The DSP, SRP group commander and Home Minister were to arrive. The women wanted to create a scene, jumped on the jeep of the DSP, wanted to videograph the scene, to distort the lawful action of the police. When they did not yield to persuasion, action was taken with [tear] gas, and after warning, a lathi charge was made when police were stoned. The police took decisive action, without consulting higher-ups. The lathi charge on women was a very painful decision but very effective which was the need of the hour. Next day, the police deployment was decreased, peace returned, the situation became normal and curfew was ended.

Firm policing, my interlocutor held, saved the day for governance. How confident can one be, however, in inferring the effectiveness of firm policing in inter-community conflicts from the fortuitous turn of events described above? The insights one can glean from the rest of this interview, and inferentially from others with managers of law and order, do not indicate a firm basis for governance in conflicts of this genre.[38] The respondent considers 'the law and order situation in the country as a whole' to have deteriorated over the past five years and agrees with the statement that 'compared to five years ago, life and property are less safe than before'. He is slightly more optimistic about the situation in his own state,

where he holds 'governance over the past five years' to have been medium. The most pressing problem of governance in his state is that 'bureaucrats have no control over politicians'. The latter, 'not properly trained', in his opinion, should carry the larger part of the blame for their failure to play an 'integrative role in society', for the continuation of problems such as drinking water which obliges 'women in Kutch and Saurashtra ... [to] have to walk for 2–3 km to get water', and for the 'law and order situation which is not as good as it is made out to be, [with the continuation of] atrocities on women and communal riots'. The respondent's general opinion of political parties, the key agent of governance in India, leaves no doubt for the reasons of his pessimism. The activities of the Bharatiya Janata Party and the Bajrang Dal have 'caused governance to decrease', 'the Congress is thoroughly corrupt, not able to address the youth' and 'Muslims have lost faith [in the political system] on account of the Ayodhya problem'.

That there is dissatisfaction about the quality of policing and distrust of the police by the people, however, does not mean that ordinary people necessarily prefer criminal self-help to orderly behaviour. The question '*Is struggle leading to violence proper or not a proper method for fulfilling people's demands?*' refers to the legitimacy of violence itself. Only 13 per cent of respondents see violence as a 'proper method for the people to fulfil their demands', whereas 65 per cent hold that 'struggle is not a proper method if it leads to violence'. Since law and order is the primary responsibility of the regional government, variation on regional lines is interesting. Among the study regions, Bihar and Tamil Nadu, each with 22 per cent approval of the legitimacy of violence, are well above the national average. At the next level are Maharashtra and Gujarat, each at 17 per cent, not as high as Bihar and Tamil Nadu but still above the national average. Punjab at 8 per cent and West Bengal at 9 per cent are two states with a violent history but, at the moment of study, well below the national average. State or society – which do Indians hold primarily responsible for the defence of the minority communities? A strong majority of 63 per cent of all respondents support the statement '*It is the responsibility of the government to protect the interests of the minority communities*', with no great variation at the regional level, though Punjab at 49 per cent remains ominously below the national level, further affirming the tendency to self-help in that state.

The next battery of questions selected for attitudinal evidence of support for tolerant pluralism concern inter-communal accommodation on a number of important issues with regard to India's communal cleavages. The first of these concerns Ayodhya. '*Some people say that the demolition [of the Babri Masjid] was justified while others say it was not justified. What would you say – was it justified or not justified?*' The results reveal a picture that one does not come across in the media. For the respondents as a whole, those taking the position that the demolition of the mosque was unjustified (38 per cent) largely outnumber those justifying it (23 per cent),

but those who do not have an opinion (39 per cent) are actually the largest group. Left-leaning West Bengal has the largest number of respondents (58 per cent) asserting that the demolition was unjustified. Only in Bihar (a Hindu–Hindi heartland region, though with no significant support for the BJP) do the 'justified' (41 per cent) responses outnumber the 'unjustified' (32 per cent).

Despite the attempts of the religious right, both Hindu and Muslim, to give a communal complexion to the violent separatist movement of Kashmir, the survey results reveal considerable support for its resolution through negotiation (35 per cent) rather than through the use of military force (11 per cent). Similarly, on the communally emotive issue of *efforts to develop friendly relations with Pakistan* by India, 45 per cent of respondents agree with the proposition, compared to 17 per cent who disagree. On the issue of discrimination against India's Muslims, posed in a neutral manner (*The needs and problems of Muslims have been neglected in India*), there is far more disagreement (43 per cent) than agreement (19 per cent). Finally, on the issue of *every community being allowed to have its own laws to govern marriage and property rights*, agreement (44 per cent) exceeds disagreement (31 per cent), with Gujarat (74 per cent) and Punjab (59 per cent) appearing with support well above the national average.

In addition to institutional arrangements at the national and regional levels and attitudes of communal accommodation or polarisation on communally sensitive issues, the perception of group relations at the local level provides yet another window into the communal situation in the country. A battery of items posed to the national electorate in terms of specific questions helps locate variation in social harmony across different cleavages (Table 7.1).

Noticeably, while there is a general recognition that the basic cleavages of caste, class and religion continue to be effective in polarising opinion, the cumulative effect of legislation, policies of the welfare state and political competition have helped to dent the bitter edges of antagonism. These results have been achieved through firm and imaginative intervention from civil servants in a sensitive and volatile context, occasionally at considerable personal risk. The elite interviews have yielded a rich harvest of examples. In one case,[39] the ability of the district magistrate to negotiate rather than react with overwhelming force made the difference. In the second case,[40] firm handling of a potentially violent clash with the Patels, an affluent and densely networked community of Gujarat, won the day for governance. The respondent reports that during 1986–7, the Bharatiya Kisan Sangh (BKS) sought to influence government policy through agitation (primarily *rasta roko* and *village bandh*).

> [The respondent] invited them [the Patels who led the protest movement] to have an informal chat with him. Four out of five came. They were told that 'they should do their jobs and he would do his',

Table 7.1 Perception of social harmony and conflict at the local level

Theme	*Punjab*	*Bihar*	*West Bengal*	*Tamil Nadu*	*Maharashtra*	*Gujarat*	*India*
Relationship between different castes has become more harmonious (% agreeing)	53	50	46	54	63	67	62
Tension between tribal and non-tribal has increased (% disagreeing)	11	16	27	29	32	26	25
Tension between different religious communities has decreased (% agreeing)	41	41	38	40	45	51	43
Tension between Dalits and non-Dalits (Harijan and non-Harijan) has increased (% disagreeing)	22	35	26	34	40	26	36
Tension between landowners and landless has decreased (% agreeing)	22	30	35	30	33	36	33
Now there is more tension between rich and poor (% disagreeing)	25	33	40	34	38	37	38
The poor and deprived enjoy better social status now than before (% agreeing)	26	39	57	23	48	50	48

Source: National Election Study, 1996.

> i.e. protecting the people of the state and that his information is that all violence in the state is created by them. He went on to say that they would be shot (believing in the 'one bullet, one body theory') if any further single incident of violence took place within the borders of Saharkantha. At that time they took his words seriously but when they went back home they found their villages cordoned off by the police. So they went to Gandhinagar, joining lakhs of BKS followers where police firing took place. Twenty-two died from Saharkantha including some young Patel boys aged 18–19. The situation was tense with the deaths. Orders to the SDM [sub-divisional magistrate] were given by the respondent that as soon as the dead bodies arrived they were not to be handed over to the relatives but had to be cremated immediately, as the sight of them might result in heightened emotions and continuous violence. Cremation of all, except the son of a big mill owner had taken place (between midnight and 2 a.m. – to avoid the crowd) when the SDM was attacked (his eye was damaged) yet the body was not handed over to the relatives but cremated later by the administration.

Earlier in the interview, the respondent (a double outsider to Gujarati society and its high politics, being originally from south India and, additionally, of scheduled caste origin) had described the 'deterioration of law and order, communal violence and the loss of harmony, and too many socialistic and populist schemes imbalancing growth' as the main problems of governance in Gujarat. There is certainly an element of a personal project, of one man doing his job well by exercising authority when and where it is needed in his narrative of governance. It is the presence of such able and alert cogs in the gigantic wheel that Indian administration has become that sets the pace for governance in the regional arena. The causal nexus between these factors, as perceived by the electorate at large, can be seen from the multivariate analysis presented in Table 7.2.

The variables used for this correlation are based on the questions about the legitimacy of violence, the perception of the protection of minorities as a responsibility of the government, social harmony and accommodative attitude towards social pluralities (calculated through the summation of attitudes towards the salient, communally divisive issues), and trust, which represents the average of all the trust questions discussed in the previous chapters. These variables have been correlated with one another, as well as with the perception of law and order over the past five years.

The positive and significant correlations between these variables provide a popular echo of elite attitudes and strategic choices with regard to governance. But the story is not one of uniform good faith or goodwill. A Punjab narrative[41] shows the other face of mechanical and damaging police brutality. The interviewee narrated the following as her personal experience of challenges to governance.

Table 7.2 Trust, accommodation and the perception of law and order: multiple correlations

Variable	*Law and order*	*Harmony*	*Violence*	*Minority*	*Accommodation*	*Trust*
Perception of law and order	1	–	–	–	–	–
Harmony	0.17**	1	–	–	–	–
Illegitimacy of violence	NS	0.06**	1	–	–	–
Commitment to minorities	NS	0.08**	0.07**	1	–	–
Accommodation	0.04**	0.05**	0.01**	0.25**	1	–
Trust	0.18**	0.15**	0.11**	0.13**	0.14**	1

Source: National Election Study, 1996.

Note
* Significant at 0.05; ** significant at 0.01 or less.

> I had a driver named Amrik Singh Kauli. He was with me since he was only 11 years old. I brought him up. He was a very innocent and honest boy. During the period of militancy in the Punjab (1991–4), the police on the behest of opposition politicians levelled false charges against him and he was declared a militant. He was brutally beaten by the police. This made him a real militant. He killed a number of people, including Mr Balwant Singh, former Finance Minister of Punjab. Later he was killed by the Punjab police by staging a false encounter.

I found the detached tone of the interview, its clinical precision with regard to the analysis of a personally painful incident and locating the responsibility for governance failure at the lower level of the administration (in this case, the *thana*), fascinating. She returns to politics as the source of possible solutions to the problems of governance. One can see in her positive evaluation of the role of political parties more than the bureaucracy or the police as the explanation for her continued commitment to the institutional core of the political system. The firm belief of the respondent in the importance of legitimate order (echoed by many others) suggests an embedded value where, once the right combination of institutional arrangements and symbolic commitment to identity become the norm, governance sprouts back in a field dominated by rampant resort to criminal self-help.

Conclusion

The coexistence of institutional stability at the national level with vigorous challenges to lawful authority at regional and local levels is a salient feature of Indian democracy. Paradoxical as it might seem, the more the system has been challenged, the stronger it seems to have become. Robust, even contentious political participation eventually turns adversaries into stakeholders.[42] While this is generally true of conflict based on caste, class and language, communalism, particularly in the extreme form of communal riots, questions this radical liberal view of Indian politics.

Scholarly writing on inter-community conflict often concedes too easily to anxiety and resignation instead of taking the tools of historical and comparative analysis as far as they will go. My findings, particularly from the narratives from semi-structured interviews with the regional elites, show how a ‘legitimacy deficit’ is the main explanation of the fury of the crowd in communal violence. As we see from the case of Amrik Singh Kauli, the narratives of Cynthia Mahmood and my extended interview with Suresh Khopade (Chapter 5), participants in violent riots and uprisings are no anonymous faces in a mass gone mad, but are often family men coming from modest backgrounds, such as artisans, peasants, quarry workers, revolting for a cause, or simply taking revenge for the outraged modesty of loved ones.

Drawing on the Indian experience of the origin and resolution of problems of conflict on language and personal law, I have argued in this chapter that inter-community conflict is not inevitable, but capable of accommodation through a combination of symbolic action and institutional change. The recognition of the problem and its comprehension through the discourse of the actors, and the transformation of this knowledge into effective policy through countervailing forces, hold the potential for an orderly solution. The crucial step involves the innovation of institutional supports that can make survivors out of victims. The world will not be same again for the victims of gang rape, but the construction of the narrative might vary depending upon the symbolic and substantive measures taken by the state.

The analysis undertaken in this chapter helps us understand the magnitude of inter-state variation in India with regard to culture and governance. Why do similar institutions (the police, the legislature) perform differently with regard to two sets of issues (such as class and confession) in the same context (in this case, India's regional states), or with regard to particular issues (the role of religion in politics)? I argue in this chapter that it is not culture ('civilisation', in the usage of Huntington (1996: 28)) but a complex ensemble of historical memory, institutional arrangements and political trajectories that accounts for the links between cultural antagonism and violent challenges to law and order. The solution does not lie in the paroxysms of national mourning that break out after each inter-community conflict, which merely shift the blame to unspecific phenomena such as the regional 'mentality' or religious ideography.

The knowledge that one gleans from conversations with those who have lived through riots, a varied group containing victims, survivors and active participants, can help distinguish between approaches to riots. Some treat them as spontaneous outbursts of mass hysteria and hence unpredictable; some find in them the historical residues of trauma, anger and networks, as we see in Brass's 'institutionalised riot systems'. In contrast to these approaches, I see riots, an extreme form of inter-community conflict, as political phenomena, the probability of whose occurrence can be lowered through decisive, timely and appropriate action before, during or after their occurrence. The policy that the state follows in the aftermath of a riot is of crucial import. In Figure 7.2, I distinguish between a good way and a bad way of reacting with regard to post-riot policy.

For reasons we shall examine more in detail in the concluding chapter, this might be more complicated than one thinks. The difficulty of bringing citizenship into a model of governance is to be traced partly to the origin of much of its institutional apparatus in Benthamite thinking that can accommodate concerns for security, welfare and participation but not for issues of cultural identity. This is part of the larger theme of the role of values in transactional analysis based on rational choice neo-institutionalism. On the specific issue of symbolic action intended to make survivors out of

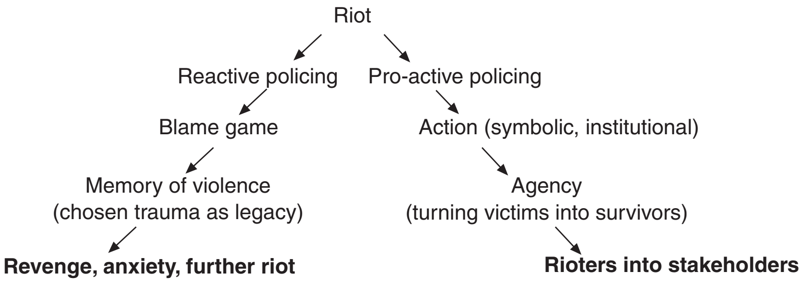

Figure 7.2 Post-riot scenarios.

victims, suffice it to say that the Indian record on this score has been abysmal.[43] The shame, anger and rage of the victims have thus remained trapped in a collective memory of defeat and humiliation, a timeless myth evocative of a longing for revenge on the adversary.

With hindsight, the startling conclusion one comes up with is how little public debate there was in India after independence about the lack of fit between acquired colonial institutions and the cultural values of society.[44] However, as I show in this chapter, though no consistent attempt was made to derive or to adopt the principles of government to local and regional cultural and political traditions, social norms, acting through countervailing forces, wrote themselves on to the agenda of the state. Nevertheless, India still lacks her equivalent of the German *Verfassungsgericht* or the French *Conseil Constitutionnel*. The Supreme Court, as is shown by the *hinduva* judgment, has begun moving in the direction of the recognition of the dangers of a hiatus between state and society with regard to the core values of the political system. The analytical focus has begun shifting from the state and its decision-making elite in the direction of collective identity of the ordinary citizens and the trust they have in public institutions.

Nehru's predicaments, discussed earlier in this chapter, hold a lesson for students of governance. The Indian state, successor to the utilitarian origin of English law, aimed at the creation of a network of public institutions for the enhancement of the common good. Like their British predecessors, India's rulers were aware that culture was the Achilles heel of the state. By nature it was beyond the scope of the state, and yet to fail to govern culture would be to open a chink in its legal armour. The colonial policy of honouring local custom but keeping high culture off the agenda is not an option available to the modern Indian state. But such acculturations, it is argued in this chapter, can only be done surreptitiously, or in the bland language of the constitution.

The 'constitutionalisation' of the salient political issue of core values of the state, and consequently its 'depoliticisation', is the general argument

that underpins the empirical analysis of the empirical evidence drawn from opinion data and elite discourse. Through the successful attempt to institute language as the basis of identity through a combination of constitutional, legal and administrative provisions, India's lawmakers have shown the way to the solution of problems considered not amenable to rational discourse. The cycle of judicialisation–constitutionalisation–depoliticisation that followed the articulation of the language conflict and personal law offers a successful precedent to a similar attempt at the judicialisation of the role of religion within the framework of the Constitution of India.

A theory that takes the actor seriously must incorporate the actor's perception of reality as an endogenous variable in its operational model of governance. A convergence between the individual's sense of the sacred and his or her notion of the core values of the state enhances governance; a hiatus between the two spells disaster. I analyse the dynamics of accommodation with regard to embedded values in deeply divided societies in the next chapter (Figure 8.1). A strong sense of trust by the individual in public institutions endows the state with a high degree of legitimacy and generates governance; the opposite reduces actors to criminals and the state to a hollow shell. The accommodation of identity thus joins security, welfare-enhancing strategic reform and the agency of public institutions as foundations of governance in India. The concluding chapter discusses the evaluation of the elaborate and comprehensive strategies of governance that the state might pursue with a view to reinforcing governance.

8 Negotiating governance in changing societies

Beyond the Indian model

The problem restated

My study of the puzzle of India's governance engages the debate at a time when governance research as a whole has reached an analytical cul-de-sac. From its earlier emphasis on process, governance, particularly in the wake of 9/11, has moved on to the more loaded concept of *good governance* with a focus on electoral democracy, promoted by armed liberal governments. A theoretical concept of great analytical power has thus been transformed into a political slogan.[1] Its popularity with policy makers is in the same league as that of the 'third way' of New Labour in the United Kingdom during recent years. It appears to be refreshingly free from the orthodoxy of class, race and caste; it gives an impression that important issues are being attended to, but does not, in practice, spell out the criteria of the measurement of progress. One can, in fact, already detect the signs of emasculation of this powerful concept by the conservative dynamism of the system. Rather than opting for a normative approach with a pre-designated definition of *good* governance or an emphasis on *process* (Kohli 1990; March and Olsen 1995) with no clear cut-off points that demark low from high governance,[2] I have argued in this book in favour of an approach that locates itself at the interface of the state and society, one that can be empirically measured in terms of facts, opinions and discourse, and is relevant to the making of decisions that affect governance.

As a concept, good governance, loaded with liberal values,[3] privileges those who have the ontological control over the definition of these categories. In real-life situations, this method privileges the specialist and the observer of governance as compared to the actors who are part of the context. Being exogenous to their life world, the categories of good governance lack legitimacy for the same reason that an earlier generation of scholars became sceptical of modernisation theories. Accordingly, the methodological innovation of this work is the unpacking of the concept through a thorough understanding of what it conveys to the stakeholders. The book thus builds on the preferences of people in the context of their everyday lives, and makes the success of governance conditional on the

ability of decision makers at the crucial interfaces of the modern state and traditional society to bridge the chasm that so many changing societies have found difficult to negotiate.

Based on the case of governance in India, the analysis undertaken in this book has used a simple two-person game (Figure 1.2) that depicts the choices that people go through in real-life situations when deciding between the options with regard to the rules of the game. People abide by the rules because doing otherwise would be costly in terms of the sanctions that are likely to follow, or because their social and economic situation is satisfactory – enough for them not to rebel against the political order of the day. In addition, people rebel when the legal status quo offends their sense of morality and dignity, which, for the *shahid* and the *jihadi*, becomes a reward in its own right. I argue (Figure 1.5) that when decision makers are aware of the micro parameters of security, welfare and identity and incorporate them in macro policy and institutional arrangements, the probability of rule infringement goes down and the state gains in resilience.

I have used the hypotheses derived from this model as a heuristic guide in my analysis of the complex politics of India's regions, each to various degrees a modern state with a vast traditional hinterland. The empirical analysis revealed the limits of the quantitative at an early stage in the investigation. In consequence, the puzzle of India's governance, to paraphrase E.M. Foster, has occasionally tended to disappear, only to reappear as part of a larger puzzle,[4] embedded in qualitative perceptions, discourse, values and collective memories. In this concluding chapter, I shall reconsider the findings in the light of the initial hypotheses suggesting a causal link between sanctions, welfare and trust with the perception of law and order, and draw some lessons for the policy maker intent on increasing governance. Finally, the chapter raises the issue of cross-cultural generalisation in the light of Indian experience. Is India unique? If not, what knowledge could one transfer from the study of India to the understanding of governance in other changing societies?

The hegemonic and the accommodating: two faces of governance

Political actors calculating the costs and benefits of a choice between orderly behaviour and criminal self-help are constrained by two sets of factors. The first is the structural context of choice. It comprises the cumulated results of the *longue durée* of historical evolution, social network, political norms and local attitudes towards authority. These help them narrow their options down to a manageable number. The second set of factors concern the process of decision making. Factors such as the local opportunity structure influence their room to manoeuvre and their strategic ability to second-guess the choice of adversaries, enter coalitions, link

up specific games into larger chains and find ways to spread the risks involved.

In real life, while most citizens are passive consumers of constraints emerging from the structure and process of the situation demanding a decision, those with a taste for gamesmanship, and ambition to match, fix their objectives at reformulating the institutional constraints themselves. The two sets of contextual and political factors constitute the dense political world of the six regional states we consider in depth in Chapter 4 where the specific decision situations are located. Elites in charge of the state must constantly manoeuvre between these options of adapting themselves on the one hand to the demands of the Union government and, on the other, to those of regional and local constituents and the regional electoral environment in which they are ensconced. Some seek to survive by merely accommodating themselves to the context; others take the political risk of rocking the boat and breaking out of the context in search of a politically saleable vision. Governance, seen from this dual perspective, becomes both a static and a dynamic process, encompassing both rule application and rule creation.

The analysis of the interviews with the regional elites, the crucial hinges of Indian politics, the narratives from police officers, leaders and administrators, and the qualitative and quantitative data has revealed an insight into the two faces of politics in India. The first is the Promethean theme of empowerment, constituting variations on the vision of independence, leavened by the imported ideas of liberalism, socialism and the nationalist revival of Indian tradition in its many forms. It represents the urge to break new grounds for the citizens, and reach out beyond the parameters of everyday politics. The second is the rule-bound, bureaucratic face where impersonal rules constrain the incessant striving for more and better. In ideal-typical form, the perfect synchronisation of the two faces produces the ideal-type homeostatic world of democratic governance; their hiatus points in the direction of anarchy and criminal self-help.

Order and anarchy in India after independence: *plus ça change*?

Perusal of India's print media for an average week provides a sense of the vastness of India and the depth of the problems of governance facing the country. As if working on cue, one gets a simultaneous sense of both apparently insurmountable challenges to governance and innovative attempts to cope with them. There is considerable evidence of institutional improvisation, mostly at local and regional levels, but also of well-coordinated central initiatives, and an overall feeling of crisis and resilience, of learning and moving knowledge across the country.[5]

Despite local variations, on the whole the resilience of the Indian state has proved dismal predictions, first made by Harrison (1965) and repeated

periodically, not to be founded in fact. The 'Indian' model of democratic discourse, state–society interaction and countervailing forces that provide the requisite room to manoeuvre in response to new social forces bounced back after the brief experience of authoritarian rule of 1975–7 – to date, perhaps the most serious challenge to democratic governance in India. The strategy that effectively combined accommodation and exclusion, developed during the long years of the freedom movement and Nehru's exemplary democratic leadership during the aftermath of independence, has demonstrably taken root in society.

The Indian success story with governance might appear mystifying to those unfamiliar with India's politics. There is, for example, no conscious or explicit design, or great national ideology, that lays down the concrete formula.[6] To all appearance, thus, there is no central plot to governance in India, but only sub-plots.[7] Convicted criminals democratically elected to high office jostle for space with campaigners for social justice and human rights. To those who might despair at inner contradictions of this magnitude, one needs to point out precedents. Thus, for example, in 1977, at the end of the Emergency rule, if democracy bounced back, then so in a matter of years did the authoritarian legacy. Defeated, humiliated, humbled, Indira Gandhi returned triumphant and unrepentant in the parliamentary election of 1980.[8] This personal triumph was short-lived, for she was assassinated by her two Sikh bodyguards in 1984 in an act of revenge against the army operation Bluestar, undertaken to root out Sikh terrorists operating from the holy Golden Temple of Amritsar. The parliamentary elections following Indira's assassination led to a massive victory for the Congress Party which took Rajiv Gandhi to the office of Prime Minister. The relatively smooth political transition ushered in a period of revival of hope in the restoration of orderly rule. But soon this optimistic prognosis was challenged as the Babri mosque lay in ruins in December 1992, brought down by the fury of a mob of fanatical Hindus. Many questioned the durability of the liberal state when a Hindu nationalist government riding the crest of political mobilisation of Hindu grievances was inducted into high office. But once again, the political system, based on democratic participation and countervailing institutions, coped with the new faces in power, and the dismal theory of deinstitutionalisation lay debunked. Following its surprise victory in the parliamentary elections of 2004, the secular, socialist Indian National Congress, arch-rival of the Bharatiya Janata Party, has moved comfortably into the mould, continuing with two of the main planks of the policies of its predecessor with regard to continuing the pace of liberalisation of the economy and continuing the peace process with Pakistan.

This overall picture of a participatory democracy with authoritarian fringes, tottering on the brink and staring into the abyss of political collapse but pulling back and continuing as before, has become a trademark of India's political life. India started her independent career with the

bloodbath of Partition, followed by the Communist uprising at Telengana in quick succession. The impression of violence just under the surface or around the corner somewhere in the vast country is sustained by the Maoist violence of the 1960s, ethnic conflict and riots that have seen large-scale violence against life and property, and mass insurgency in Punjab, Kashmir and Assam. But despite institutional crises and occasional outbreaks of violence, the post-independence institutional structure continues unscathed. Whereas institutions and orderly rule have been terminal victims of coups, revolutions, uprisings or ethnic conflict in many countries of Asia, Africa and Latin America, in India they have developed a peculiar resilience that has seen democratic governance bouncing back. Are all India's political gyrations merely a case of *plus ça change*?

Eternal India, ever-changing and always the same, used to be a good answer, but paeans of praise invoking the resilience of India's institutions leave far too much unexplained. India's unique image of a fundamental calm is of little comfort to the victims of vicious inter-community riots or, at another level, to those who agonise about the potential for criminal self-help with regard to the outbreak of nuclear war in South Asia. Independence from colonial rule came to these countries with the promise of democratic governance. Many aspired to harness the creative energies of their people through modern institutions and economic planning, marching bravely towards a new dawn, but only a few succeeded. India thus remains the exception in the crisis-prone world of changing societies. The Indian record shines not just in comparison with India's South Asian neighbours, also legatees of British rule, but also in terms of comparison with other transitional states such as the successor states to the Soviet Union, and the current attempts of the rich, liberal, democratic nation-states of Europe to coalesce under the rubric of one political authority.

I have argued in this book that rational choice neo-institutionalism can provide a more precise understanding of both continuities and discontinuities than the broad culture-driven structural functionalism that has underpinned the myth of ineluctable, eternal India. Underneath this overall sense of stressful but orderly rule is the congealed experience of governance from India's various pasts. Following independence, this political process has steadily evolved over five decades of empowerment of marginal social groups, new institutional arrangements and redistributive social policies. India's rulers and their challengers have put to good measure the lessons that the British learnt over a century and half of orderly rule with a minimum use of force.

Governance in the regions, as we learn from the analytical narratives of regional governance and elite discourse, has been achieved with the help of a subtle juxtaposition of persuasion with sanction, accommodation with exclusion, high moral commitments with low cunning. Like their colonial predecessors, India's political class has learnt to honour local custom while striving to set boundaries of orderly rule within which locality and region

must function. But independence has also added a new element to the recipe for orderly rule that the British left behind. The post-colonial state, in its search for legitimacy, has shown its will and ability to move apparently static boundaries to suit the evolution of political communities.[9] If, in the process, the transactions have sometimes seemed rough or unruly, the sure sense of the long-term expectation of stability, reflecting the canniness of experienced investors who run up current account deficits with the hope of long-term capital growth, has been just under the surface.

The analysis undertaken here looks to India's institutions and the policies and strategies of her elites rather than invoking the mystical ways of India,[10] the genius of her culture (Kothari) or the specificity of her context in terms of the British legacy (Judith Brown) as an explanation of her resilience. The political culture and accommodation of embedded values, respect for the context and historical legacies by the regional government and strategic reform of the economy form part of this explanation.[11] India's achievement, the book argues, questions the pessimistic prognosis of an earlier generation of scholars (Moore, Harrison) and contradicts contemporary nay-sayers who project a dismal future for both democracy and order, generalising from micro-studies of communal violence (Mahmood 1996; Hansen 2001; Brass 2003). In conceptual terms, Indian achievements, when seen in the context of the reversal of the historical sequence in which social change and democracy occurred in Europe, pose a challenge to the theories of transition.[12] Since governance in India depends crucially on the decision-making elites at the regional level, their perception of the challenges to orderly rule and solutions to them is of critical importance.

Variations in regional governance

Order making and state formation had gone in tandem under British colonial rule. The post-colonial successor state has continued this double strategy of sanction and accommodation in its dealings with newly mobilised social groups. Where the strategy has worked, it has made statesmen out of rebels and political parties out of secessionist movements. Regional state formation has thus become one of the key elements of the institutional apparatus of the state. The narratives of our six regional states in Chapter 4 provide variations of orderly cohesion and fragmented disorder. Together, these six cases constitute a comparative frame for the reconsideration of political order in India, analysed here as a case study for changing societies, in order to understand the endogenous origins of democratic governance.

The analytical narratives of governance from Punjab, Bihar, West Bengal, Tamil Nadu, Gujarat and Maharashtra, six regional states that have been chosen in a manner that allows maximum variation to the key components of the rational choice neo-institutional model that underpins

the study, also aim at representing India's continental diversity. The vast literature available on India's regions makes it possible to probe for the linkage between the micro parameters of governance and macro policies and institutional innovations undertaken by regional elites in order to enhance governance. The examples have shown how, as in West Bengal, the emergence of a cohesive regional elite connected to society through a stable party system has succeeded in taming anarchy, whereas in Bihar a fragmented elite rules over a state beset with mafia rule, Naxalite violence, corruption and other forms of crime. Punjab, where violent insurgency has been brought under control through strong policing measures, has seen orderly rule re-emerge, buoyed by material prosperity and a surreptitious accommodation of identity. However, the most explicit accommodation of identity in Tamil Nadu, where cultural nationalism had once appeared as a major threat to governance, the absence of a stable party–cleavage linkage has seen the growth of populism and personal rule. The cohesive elite of Maharashtra has produced an environment where partisan change does not affect the scale of governance, whereas in neighbouring Gujarat a fragmented and fragile regional elite requires the support of its vigorous market in order to bring governance back in again after its disruption in sporadic but intense inter-community violence.

Culture, context and community: a synergetic constellation

The core argument of the book hangs crucially on the linkage of micro parameters and macro policies and institutional arrangements leading to governance. The analysis of elite norms and strategies, discourse, and elite perceptions has provided new insights and partial tests of the model. How do the partial explanations fare when all such causal factors specified in hypotheses 1.1–1.7 (pp. 18–20) are cumulated in the same statistical model? Table 8.1 shows the results of the test of the model of governance on the basis of data from the NES public opinion survey.

Though, with a corrected R^2 of only 11 per cent, the model leaves a substantial part of variance unexplained, the regression coefficients, comparable with one another in view of the fact that they are standardised, help us establish the outer contours of an 'Indian' model of governance. The three key explanatory variables, namely, security, agency and trust, recommended by elites as important emerge out of these results as the key factors that underpin governance in the perception of the national electorate. Thus, a highly significant coefficient of 0.14 for 'expected welfare' indicates in fact that people who have benefited from the developmental policies of the state, or have done well regardless, who see the future of their children as better than the lives they have led, who have a sense of doing better than the past, also perceive governance to be higher. Equally important, in terms of the strength both of association and of significance, is the contribution of general trust (0.13, significant at the 0.001 level) to

Table 8.1 Multiple regression of the perception of law and order by the Indian electorate: culture, context and structure

Level	*Independent variable*	*Regression coefficient*						
		India	*Bihar*	*Gujarat*	*Maharashtra*	*Punjab*	*Tamil Nadu*	*West Bengal*
Context	Bihar	−0.08**	–	–	–	–	–	–
	Gujarat	0.03**	–	–	–	–	–	–
	Maharashtra	NS	–	–	–	–	–	–
	Punjab	−0.10**	–	–	–	–	–	–
	Tamil Nadu	0.08**	–	–	–	–	–	–
	West Bengal	−0.03**	–	–	–	–	–	–
Culture	Muslims	NS	NS	–0.14**	NS	NS	NS	NS
	Christian	0.05**	NS	NS	NS	NS	NS	NS
	Sikh	NS	NS	NS	NS	NS	NS	NS
	Female	NS	NS	NS	NS	NS	NS	NS
	Education	−0.03**	−0.11*	NS	NS	NS	NS	NS
	Age	NS	NS	NS	NS	NS	NS	NS
	Dalits	NS	NS	0.12**	NS	0.16*	−0.09*	NS
Institutions/policy	Harmony scale	0.10**	NS	0.21**	NS	−0.24**	NS	0.17**
	Minority scale	NS	NS	NS	NS	0.15*	NS	NS
	Violence scale	−0.03*	−0.08*	NS	NS	0.18**	NS	NS
	Accommodation scale	NS	NS	NS	NS	0.17*	NS	NS
	Trust scale	0.13**	0.18**	NS	0.10**	NS	0.12**	0.16**
	Expected welfare	0.14**	NS	0.27**	0.26**	NS	0.12**	0.10**
	Police attitudes humane	0.10**	0.16**	0.15**	0.10**	0.16*	NS	0.13**
	Membership in parties, associations etc.	NS	−0.10*	NS	NS	NS	NS	NS
	Parties are important	0.03**	NS	NS	NS	NS	NS	NS
	Vote has effect	NS	NS	0.10*	NS	NS	NS	NS
	Approval of democracy	NS	NS	−0.12**	NS	NS	NS	−0.08*
Explained variation	Corrected R^2	0.11	0.09	0.30	0.10	0.25	0.03	0.12

Source: National Election Study, 1996.

Note
Standardised beta weights.
* Significant at 0.05; ** significant at 0.01 or less; NS not significant.

governance. At a slightly lower level of strength of association but just as likely to be a reliable indicator of the relationship is the association between the perception of the police as 'humane' (0.10), indicating the strong role of law and order management in governance. The strong and significant coefficient of inter-group harmony (0.10) also indicates the role of perceived social harmony as a factor causal to governance. The positive contribution of parties (0.03), signifying the role of agency, and the negative contribution of violence as an embedded value (−0.03) are other findings that help us give a more concrete shape to the core considerations of ordinary people who are, most of the time, consumers of elite strategies of governance but of which they see themselves at least as part-authors in view of their strong sense of agency.[13]

In addition to the coefficients of our experimental variables, Table 8.1 also reports the effect of some other factors whose contributions are more often assumed or asserted rather than analysed. Thus, age has no significant coefficient, testifying to the lack of an inter-generation divide with regard to the perceived correlates of governance. Nor does one notice such a divide between men and women. When isolated, the fact of being female does not produce any significant coefficient. Nor does, surprisingly, the fact of being a member of the scheduled castes (Dalit) play any specific role, testifying, perhaps, to the compensatory role of positive discrimination policies for bringing that section of socially disadvantaged people in line with the mainstream. The negative coefficient for education (−0.03) might at first glance come across as a surprise, but in fact it is not. Education is one of the best surrogate measures of social class in a survey situation. Social conflict that lies at the origin of challenges to governance is more often than not seen as refusal by erstwhile marginal social groups to put up with their lot – a fact that might indicate the anxious undertone that underpins the perception of law and order by the educated. The contribution of religion to the explanation of law and order is one of the most important questions with regard to governance, particularly in view of the assertions of anger and alienation on the part of minority religions in the wake of Ayodhya, 1992. It is significant, thus, that overall the role of religion emerges as statistically non-significant, except for Christians (a positive coefficient on the whole) and Muslims (not significant for the population as a whole, but a negative and significant coefficient in Gujarat of −0.14, significant at the 0.001 level. This finding, from an analysis of the survey results from 1996, the Godhra interview from 1999 and recent political discourse (Chapter 4) seen together, produces an accurate picture of the fragile inter-community relations in that state).

The general model, whose coefficients are presented in the first column of Table 8.1, is replicated for the six states. The results point out both the generality of the model and the singularity of the political situations obtaining in individual states. The evaluation of law and order by Dalits varies from one state to another (it is negative in Tamil Nadu, positive in

Gujarat and Punjab), and in some states this is not a significant consideration at all. Finally, the explanatory power of the model varies widely from one state to another, with 30 per cent of the variance explained in the case of Gujarat by the general model, compared to a paltry 3 per cent in Tamil Nadu. But even then, though the explanatory power of the model is low in that case, it is important to notice that even in Tamil Nadu, as indeed in other states, the explained variance can be attributed to two of the best-performing explanatory factors, namely, the perception of individual welfare and effective law and order management.

Culture as *embedded* values: democracy and the empowerment of *difference*

The negative coefficient of Islam though both weaker and less significant than trust, still raises the issue of the Hindu–Muslim conflict and governance in India, whose importance is asserted by authors, commentators and the spate of vicious inter-community riots. What does one learn from the *interminable debate* about secularism in India in terms of the role of religion in governance?

The direct entry of traditional social and religious symbols into the political arena, without their necessarily long apprenticeship to modernity, is seen by some scholars (Brass 2003; Hansen 2001; Gray 2004) as an assault on the secular structure and modern institutions of the state. On the other hand, the fact that culture and ritual, in their multiple local and regional ways, have steadily voted their way into the public space, and that radical right-wing religious movements have been transformed into parties of governance functioning within the constraints of the Constitution, is an indication of the vibrancy of the political process, which has steadily expanded the scope and depth of modern institutions in India. Lloyd and Susanne Rudolph, in their early disagreement with the uncritical attitudes towards modernisation theory, had argued that the incorporation of social ritual within modern political institutions could be the basis of a negotiated solution to the problems of modernisation of traditional societies.[14] The political experience of the past five decades provides evidence for the prescient character of their early prognosis.

How should one recognise the theoretical categories through which one analyses cultures and religions in the everyday life of the individual? The inner world of the individual is the meeting point of large categories, where they are occasionally conflated and transformed and recast in radically different forms. Mass democracy, where the ballot paper is a vital instrument of both identity and welfare, has little respect for theoretical purity in its use of abstract categories. The fragmented character of India's religions is actually a contributory factor to the success of the political process of the post-colonial state in creating new thin and broad categories of identity.[15]

The main reason behind the success of national integration in India arises from the fact that conventional theories of nation building and social change usually present cultural duality such as locality and region as the first steps of an incremental and linear march towards the more general category of the nation that ultimately dissolves local and regional, and social and cultural, differences within a larger 'national' identity. These, in the typical metaphor of the 'melting pot', are finally reconstituted in the form of a legally uniform and culturally homogeneous citizenship. In spatial terms, the conventional theory of national integration implies the transformation of the specific to the universal, and the locality to the nation. What conventional theory does not clearly indicate is whether these concepts are to be seen in dichotomous terms, or as concentric circles, where the outer rings encapsulate the inner. Under the later formulation, social change adds successive layers to the multilayered political persona of the society in change, rather than necessarily fragmenting it along spatial and primordial divisions. The political salience of this theoretical question can be seen from the apprehensions of balkanisation that always accompanied the discussion of modernisation and social change in the relevant literature of the 1950s.

The Indian attempt at melting away cultural differences originating from religious divides entailed the incorporation of a delicate balance between the recognition of corporate identities through the provision for group rights in the constitution, to be balanced by individual rights and universal adult franchise based on the one person, one vote principle. The proportional representation of communities, while explicitly denied in the Representation of the People Act 1947, is indirectly achieved through a series of consociational measures. Thus, rights of individuals, guaranteed most of all in the Fundamental Rights (article 16), are balanced by rights of groups, particularly those of the minorities (article 29). Article 1 of the Constitution, which solemnly declares, 'India, that is Bharat, shall be a Union of States', gives voice to this duality. The realisation of these difficulties led to the innovation of a number of institutions such as federalism, various forms of explicit and implicit quotas for different communities, and the principle of secularism as the cornerstone of the state's policy towards competing communities and identities. These institutions were to be ensconced within a state policy of economic and social reform and a state-sponsored policy of secularism.

The post-colonial state in India considered its solution of fuzzy multiculturalism to be an optimal solution for the political conditions that surrounded its inception. In retrospect, underneath the superficial consensus on the meaning and applicability of the concept of 'secularism' to Indian conditions, controversy raged from the outset. The inconclusive nature of the 'cow slaughter' issue during the 1950s, the incomplete character of the project of a unified personal law for India, the 'textbook' controversy of the first Janata Party governments and the celebrated Ram Janambhoomi

issue from the 1980s that ultimately led to the violent clash at Ayodhya all bear testimony to this deeply embedded problem (Mitra 1991a). At issue is the inconclusive nature of the solution to the problem of incorporating multiple religious identities within the structure of the state. While short-term calculations of political opportunists certainly play a role in giving particular salience and virulence to each of these issues, their consistent appearance in time and space points towards factors that go beyond the exigencies of everyday politics.

In the political space of India, it is possible today for communities to form and dissolve, then re-emerge as part of other communities. Seen from a distance and over time, political transaction has taken manifold forms ranging between voting and lobbying to protest movements and, ultimately, violent conflict. These in turn have produced knowledge of what leads to violence, instilling in the process greater understanding and accommodation of cultural and religious differences. Castes, religious communities and ethnic groups are all impregnated by the spirit of transaction and coalition building. The result is a significant empowerment of minorities. In India's multicultural society, the members of different communities, castes and language groups have risen to the highest levels, in public office as well as in sports, the cinema or academia.

Thanks to the salience of coalition politics rather than party competition, the structure and process of Indian politics in the 1990s should have a familiar ring for those conversant with the politics of continental Europe. In consequence, compared to before, the moderation of shrill ideological overtones as part of a search for a winning formula based on governance has become the new mantra of Indian politics. Having come into their own, the regional parties are increasingly self-confident in terms of working out deals with one another as well as with national parties. The regional elites, which as groups draw in people from marginal social groups in terms of religion, caste or geographic distance, are able to generate a different construction of the nation-state from the one that India started with after independence. It is thanks to these new political elites that the emerging multi-party democracy of India is not merely an anomic battle for power and short-term gain, but the releasing of pent-up creativity and visions that provide a fertile and cohesive backdrop to the realignment of social forces. Far from being its antithesis, region has actually emerged as the nursery of the nation.[16]

The assertion of a communal divide in India that we get from anecdotal evidence alerts us to a hardening of attitudes and the emergence of a polarisation of opinion. The evidence from opinions and attitudes of the mass public in India, culled from the 1996 survey, shows a difference of opinion between Hindus and Muslims with regard to the critical social and political issues that are vital to the politics of identity, as one can see from the responses to the questions presented in Table 8.2. The table reports responses of Hindus and Muslims to the 'communal' issues discussed

Table 8.2 Communal polarisation and political attitudes (percentages)

Religion	*Q1*	*Q2*	*Q3*	*Q4*	*Q5*	*Q6*	*Q7*
Hindu	32	31	41	42	68	58	33
Muslim	86	46	73	67	72	60	41
Sikh	46	47	58	52	63	63	26
Christian	44	42	44	50	74	66	35
Total	38	34	45	45	69	59	34

Source: National Election Survey, 1996.

Key
The numbers 1–7 stand for the response to the questions:
1 The demolition of the Babri Mosque (not justified)
2 The resolution of the Kashmir problem (solved by negotiation)
3 The development of friendly relations with Pakistan (agree)
4 Separate Civil Code for every community (support)
5 Approval of the democratic system
6 Efficacy of vote (vote makes a difference)
7 General trust

earlier and their responses to two other questions more specifically geared to the measurement of the sense of legitimacy, personal efficacy and trust.

The data presented in Table 8.2 clearly show the striking difference in opinion between Hindu and Muslim electors on such sensitive issues as Ayodhya, Kashmir, Indo-Pakistani relations and personal law. However, when it comes to legitimacy, efficacy and general trust, differences narrow, with Muslim respondents registering a *higher* score than their Hindu compatriots.

This apparent paradox is easily explained. Power is the key. The sense of empowerment that India's traditional plurality and competitive democracy have provided to groups and individuals is the basis of India's project of multiculturalism. The dynamic political process and shifting, short-term coalitions gnaw away at the sense of overwhelming power and abject powerlessness, generating a sense of perpetual motion. The process, as E.M. Forster alerts us, had begun well before independence.[17] Forster's poignant passage emphasises the difficulties of achieving a multicultural society under subjugation where the overwhelming power of the English confronted the powerless Indians. Once agency and autonomy were restored after the formal end to colonial rule, India went back to a form of political transaction aimed at communal accommodation.

The sense of citizenship has been considerably reinforced by the institutional arrangement of the post-colonial state and, though rudely shaken by vicious inter-community violence from time to time, has secured for all its citizens a sense of belonging. As a post-colonial state, India after independence was more a state-nation than a nation-state, for the institutions of state, very much a part of the British legacy, were already in place when the colonial rulers left, having transferred power to an English-

speaking Indian elite. The nation as a conscious political creation was absent from the political discourse of the day. The nation was of course *implicitly* present in the anti-colonial movements that preceded independence, but it was, of necessity, a thin political construction not possessing the deep cultural and moral unity that characterised the rise of nations in the West. The post-colonial state thus needed to build a nation which would then be the repository of the ultimate allegiance of the citizens. But which of the many nations that underpinned the freedom movement was to be chosen as the core of the state-nation? Faced with this question, the Fathers of the Indian Constitution did what the leaders of the Freedom Movement before them had done. They remained deliberately vague in their formulation of the core values of the Indian nation.

Context: the perils of relativity

Context matters, but is context all? Both the Constitution of India and the results of our survey confirm the pre-eminent position of the regional government with regard to the level of governance. As we learn from the analytical narratives of regional governance in Chapter 4, the formation of a synergetic and cohesive bond between social forces whose elites dominate the institutions of power can lead to high governance. When social groups are pitted against one another and their rivalry fragments the institutions of power, the result is governmental paralysis. These empirical findings help us reconceptualise region as an explanatory variable. Following North, one can characterise the regional context as a 'lock-in' of institutional arrangements, the party system and stakeholders.

The state coefficients in Table 8.1 represent the 'contribution' of the state as the context to governance. The regional coefficients largely live up to the expectations that one might have formed on the basis of the analytical narratives of Chapter 4. Thus, Bihar, with its reputation for *jungle raj*, emerges with a negative coefficient; Maharashtra, often represented as a model Indian state, emerges as the regional state among the six we have analysed as 'most like India', because the state coefficient in this case is not significant. Gujarat, with its business-friendly and managerial ethos, shows a positive coefficient, whereas Punjab, with its sullen resignation to the pacification of terrorism, emerges with a negative coefficient. The real surprise is West Bengal, for in spite of the positive evaluation it gets from experts for the progress achieved under the Left Front government, the coefficient we get is negative and strongly significant – in fact, at par with the coefficient for Bihar, often seen as so close to Bengal in geographic terms yet so far with regard to the level of governance. One explanation here is that the memory of the 'decade of chaos' has become faint with the passage of time, whereas the expectations of high governance, thanks to the message to that effect being assiduously cultivated by the state government, remain high, and specific incidents of lawlessness (like the recent

Bapi Sen murder case) create more of an impact in public perception than they would in Bihar. In addition, with regard to the coefficients of the regions to governance, these are 'net' effects of the fact that the respondents belong to a specific region, because the effects of general variables that also influence opinions and attitudes have been accounted for by other variables, corresponding to those effects, that are also present in the model. Hence, once we abstract away the positive contributions of the general variables, West Bengal 'catches up' with Bihar.

One main conclusion to be drawn from the analysis undertaken here with regard to the explanation of variation in governance points towards the ethos of elite cohesion as an explanatory factor for governance at the regional level. The analytical narratives of Chapter 4 provide some insights into the evolution of this sense of corporate identity. Thus, as West Bengal made the transition from anarchy to order through party–class networks, a sense of left-leaning, secular, bipartisan consensus has steadily evolved to replace the fragmented political community of the pre-Left Front period. A comparable ethos in Maharashtra has evolved through party–kin liaison, facilitated by the manner in which the state was formed. Gujarat indicates a similar evolution but for a different reason: the main cement in Gujarat is the business–industry–party–patronage network. Punjab, Bihar and Tamil Nadu have failed to evolve a cohesive elite, but for different reasons. The recent memories of violence and repression in Punjab, the enormous competition for limited patronage in Bihar and the failure of institutionalised links between the state and society in Tamil Nadu have stood in the way of a comparable regional ethos functional to governance.

The elites' dilemma: to transcend or to accommodate?

Elites, agents of political capital, as conceptualised in the neo-institutional model of governance (Figure 1.5), derive their power and status from their ability to connect the state to society. Governance is a side effect of the normal competition for power, because the main objective of actors engaged in the game is not governance as such, but merely to maximise their gain from the transaction at hand. The abstract two-person non-cooperative game, modelling the strategies of the two actors with which I started my inquiry into the puzzle of India's governance, has stayed the course. As a heuristic guide, this model has pointed empirical research in the direction of factors such as law and order management, the sense of agency welfare, and local harmony and trust that cause reasonable people to stick with rules rather than violate them.

The fact that membership in political parties and other associations does not play an independent role in governance (Table 8.1) should be the cause for further reflection on the implications of the social capital scholarship for India, particularly when parties are seen as surrogates for polit-

ical networks and social linkage. The puzzle of party as compared to the individual elite as agents of governance is partly explained by the existence of a relatively fair and effective electoral process which provides a political environment where individual political entrepreneurs and short-term coalitions can substitute for European-style political parties. When consensus building is posed as a prime concern, the existence and availability of the electoral option act as an incentive for political agents to concede, coalesce, compromise, and come to a consensus. The process of political bargaining has been accelerated by single-member constituencies and the first-past-the-post system, which have made it virtually impossible for any political party to concentrate its efforts only on a single social group. Thus, the national and regional parties have an incentive to look beyond the arena in which they are placed to search for allies. This is the dynamics behind the political integration of India and the larger involvement of the citizenry in its politics.[18]

Over the course of field research in India, as I have looked closely at my material, the original issue of governance, located in the finite political world of strategic players jockeying for the best outcome, has yielded to trenchant and seemingly intractable conflict rooted in the memories of violence. The detailed knowledge of governance from lower levels of the political echelon, as well as the anxiety and passions that political differences create, have steadily 'trickled up' from our conversations with the regional elite, so that, in the end, governance has re-emerged as part of the larger problem of legitimacy. In a parallel process, the players in the larger game – civil servants, policemen, politicians – originally seen as details on the institutional landscape of governance, have moved forward, demanding attention as the key foci of the analysis. Responding to specific questions about the minutiae of governance, these regional stakeholders have explained, pleaded and warned, holding ajar the trap doors to the anarchy that underpins the institutional façade of everyday politics in India. These soundings have helped me move the inquiry beyond the original model, and recast it within a larger framework of countervailing forces that offers the basis of a solution to the challenge of legitimacy in changing societies that harbour deep differences.

Norms acquire legitimacy when they are shared by a moral community. However, in an interview situation, regional elites invariably give the impression of standing alone, fending off anarchy in 'their' institutional settings. Does that make governance at the ground level an idiosyncratic phenomenon, best understood in terms of thick descriptions of individual political will rather than as windows to a general process with its regional and local specificity? The first impressions from fieldwork point in the latter direction. However, notwithstanding their claim to the contrary, the regional actor in India rarely stands alone. Despite the room to manoeuvre that one gains with seniority, imagination, vision, talent and a sense of risk, our interviewees are cogs in an administrative and political wheel that

extends far beyond the locality and region. Their coordination with other members of the regional elite may or may not be effective, which, as we see in Chapter 6, does make a difference in the level of governance in the regional arena. But at the normative level, the constant flow of information through business meetings, campaigns and conferences, training programmes, contacts with other stakeholders in governance from above, below and across tends to break down any sense of splendid isolation one might develop in district towns or departments that appear to be outside the mainstream. The growth of a general pan-Indian fund of knowledge and the evolution of common approaches to problems of governance are consequences of this constant interaction.

'Getting to good governance':[19] elite perceptions of strategic choices in governance

India has long been a playing field for development models emerging from widely different lines of thinking. These models – socialist, capitalist and corporatist – continue to influence the national norms of governance. Still, the regional context matters enormously, for each Indian state is both a consumer and a producer of the knowledge of governance, constantly seeking to adapt, amend or substitute national norms to the regional context. Since independence, India's national and regional laboratories of governance have been busy adapting institutions to the knowledge flows from above and below, moulding received ideas to local contexts, manufacturing new ideas about institutional arrangements and communication processes.[20] With the exception of the politicians in our elite sample, the police officers and administrators are successors to an alien government that had sought and found a source of legitimacy in utilitarian concern for the use of power to enhance the common good, and in repression and accommodation of a subject population. India's new rulers, guardians and representatives of a politically conscious and empowered electorate, might resemble their predecessors in form. But they also differ from their colonial predecessors in the important sense that, unlike the latter, these new rulers and guardians are aware that their careers are linked to the regional political arena. In a region like Maharashtra with a highly professional administrative tradition, this realisation leads to a sense of identification with their charges on the part of the elites, whereas in a different setting like Bihar, this linkage might simply add a layer of administrative froth to the brew of factionalism, corruption and manipulation of the rules in partisan interest. But regardless of their views on the problem of implementation, one can be sure of the access that elites have to the norms of governance. This reservoir of personal knowledge is crucial to a theoretical and comparative analysis of governance across Indian states.

Chapter 2 analyses elite perceptions and evaluations of the way states see governance in order to ensure that governance is recognised by the

society as a concrete phenomenon. On the basis of its existence as an inter-subjectively valid social phenomenon, I have used two complementary techniques in order to record the perception of problems of governance and solutions to them. The more direct method of the two is that of 'assisted scores', where structured instruments are used to measure opinions. The second is the method of open-ended questions posed to elicit top-of-the-head, spontaneous responses, free of suggestions or contamination by the thoughts of the observer. The results of these two techniques help us analyse the meanings that elites attribute to governance and the strategies that they recommend to enhance it.

Two open-ended questions were asked in order to probe the suggestions that our elite respondents have with regard to their conceptualisation of the problems that lead to the decline of governance, and the solutions that they recommend as effective measures to enhance governance in their region. The question '*What, in your opinion, causes the decline of governance?*' produced a broad spectrum of ideas, which, once regrouped, presented the measures the elite consider the most important for governance in the country (Table 8.3).

The aggregation of individual responses into larger categories requires very sensitive recoding, taking care not to squeeze the richness and diversity of the subjective world of elites into the preconceived categories of the observer. The team of investigators in this case, as in the other open-ended questions, have proceeded with caution by first regrouping responses into forty larger groups by pulling together themes that are contiguous, either philologically or in more substantive ways. They have then been regrouped into five larger categories. The decline of the rule of law, the first of these categories, points in the direction not only of the general importance of rules, but also of specific problems that important organs of the government have in this area, such as the functioning of the system of

Table 8.3 Problems of governance in the country and solutions to them: elite opinion

Problems	*Solution*				
	Rule of law (11%)	*Effective implementation (39%)*	*Political culture (32%)*	*Effective institutions (18%)*	*Row total*
Decline of rule of law (7%)	18	18	27	37	100
Poor implementation (42%)	8	48	28	16	100
Dysfunctional political culture (40%)	6	37	37	20	100
Ineffective institutions (9%)	21	29	43	7	100
Corruption (2%)	67	33	0	0	100

Source: Elite survey, 1998–9.

justice, the tendency of the bureaucracy to think of itself as above the law, and the protection of the rights of minorities.

The second cognate group of items suggested by the elites refers to policy outputs and processes, which include the ubiquitous political will, but also problems emerging out of the social structure such as the role of caste in diluting the norms of fairness and efficiency in allocations. Included prominently are welfare measures such as education, employment, social services, control over population, general administrative efficiency ('less government') and social peace. Items referring to exogenous origins of some problems of local and regional governance such as 'foreign money' also make an appearance here.

The absence of appropriate social norms and values to give legitimacy to the institutional arrangements of governance emerges under the general rubric of political culture. Included here are such cardinal norms as loyalty to the principles of the state and its core identity; political interference with the wheels of administration; the litany of the currently fashionable norms of governance such as participation, accountability, transparency and openness; and the more quaint socialism, democratic values and trust and confidence in leaders.

Closely linked thematically to the problem of political culture is the issue of ineffective institutions, where the respondents point in the direction of such concrete themes as party and political organisation, lack of coordination among different organs of the government, and problems of coordination. This is followed by the problems of corruption and criminalisation of politics.

The question '*What, in your opinion, contributes to high governance?*' has generated an equally rich field of specific items. Once again, their aggregation produces categories that are comparable to the responses regarding the problems of governance, though the weights of the different regrouped categories vary from the one to the other. There are general suggestions as well as very specific recommendations such as 'increased punishment for the dereliction of duty' and 'independent and better equipment of police' under the rule of law. The solution regarding policy outputs and processes has ushered in both classic issues such as land reforms and more contemporary ones like tax reforms, the need for lean government and specific ideas like solving the Sikh problem and agrarian development (*Krishi Bikas*). Under political culture one finds such new mantras as 'transparency; dialogue and consensus making', 'values and vision' and 'common cultural identity'. Institutional implementation has items such as electoral reforms and local government, and highly technical suggestions such as improvement of the committee system. Finally, ending corruption, already mentioned in the problems section, reappears among the solutions.

Is the conceptualisation of problems and solutions a random process? How consistent are the elites in their preference orderings with regard to

the normative content of governance? In order to check the consistency in preferences that our elites have, their problem formulation and suggestions with regard to solutions were cross-tabulated, which produced a positive, highly significant correlation.

Now that our elite interlocutors have reasserted their role as the key windows to governance in India, I can raise the issue of the danger that inter-community conflict poses to governance in India. Communal violence, the anxious undertone to the negative prognosis of Harrison and Huntington, and their current progeny, makes it imperative to reconsider state priorities with regard to the norms of governance. Do welfare and sanctions still matter in governance, as the analysis in the earlier chapters concludes from the perceptions of the regional elite and the mass electorate? More particularly, what do the elite themselves attribute governance to, in terms both of their perception of the problems that lead to its decline, and of solutions that might revive it? These are some final questions that need to be answered before this concluding chapter can move in the direction of a comprehensive evaluation of the perception of law and order by the mass electorate in the light of the causal model developed in this book.

Negotiating identity: the Indian model and its limitations

While governance as the main conceptual framework of analysis has the advantage of novelty and being at the cutting edge of international political and developmental action, it is still very much uncharted territory in terms of the ontological and epistemological core of the concept of governance itself. The book develops a formal model to account for the spatio-temporal variation of governance, building on the assumptions that people obey rules which produce order and high governance in preference to the violation of rules (leading to anarchy) if rule-bound behaviour maximises the expected utility of the actor. Using a two-person non-cooperative game, four situations that reflect various configurations of factors influencing governance are then specified. The formal model is derived from these abstract conjectures. None of this, however, appears persuasive to those who hold that the adversaries are locked in a moral struggle for supremacy where one can win only at the expense of the other, and hence no middle ground is possible where both can win something and will not feel threatened with total obliteration.

The dark predictions of balkanisation (Harrison 1965), periodically renewed (Brass 2003), have not been borne out by events. The Indian model, a multicultural cooking pot, appears to be slowly melting away sectional differences on the steady fires of democracy. The sentiments that come through the above statement are the kinds of success stories that go into the making of the Indian model of integration of nation, region and community (Figure 8.1).

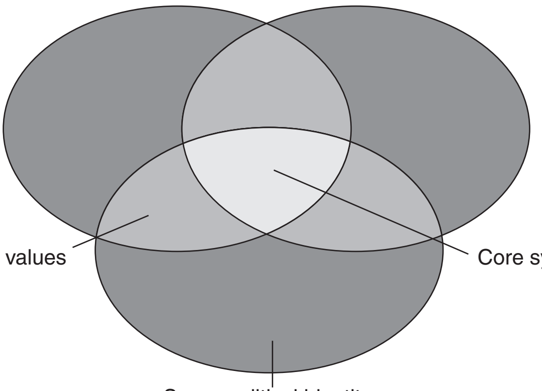

Figure 8.1 Negotiating identity in divided societies.

The apparently exclusive moral categories such as caste and linguistic, ethnic and religious groups of India have discovered a common core in terms of common citizenship which makes it possible to enter into negotiations about how best to share common space. The other part of the negotiations involves the identification of issues to be left out of negotiation altogether, such as family laws, succession and cultural issues that involve only the given community and nobody else.

For many, all this will be reminiscent of the Swiss solution, of the accommodation of practically all the cleavages available within contemporary Europe within the institutional space of a single state representing a dynamic process that continuously strives for the identification of a set of core values and institutions that draw their legitimacy and authority from them, areas of negotiation in everyday life and specific attributes of identity unique and constitutive of identity that are taken out of politics and left as quintessentially cultural, with no direct implication for politics.

Collective violence and the modern state: Tilly to the rescue

Designing social institutions and processes involves the transformation of individual perception in a manner in which, for a given actor, the innate value of violent acts ceases to be positive while the risk component goes up. The state may, thanks to better intelligence, be able to spot the troublemakers, and to locate the concentration of rebels. Its capacity to do so considerably lowers the reassuring feel of the strength of numbers on the part of those who contemplate criminal self-help. Similarly, effective reform and civic values increase the value of the status quo and the normative value of activities such as voting and campaign participation, which appear more credible and rewarding. From the point of view of the state,

thus, rather than 'good government', a mixed strategy that bolsters the capacity of the state to achieve reform with effective sanctions against rule infraction, following the argument of Tilly (2003) (Figure 8.2), appears more rewarding.

One should note here that a model can be at best only a general guide to policy. It can only indicate the room to manoeuvre; local culture, context and distribution of political support fill in the details. Consequently, the general model depicted in Figure 8.2 is meant only as an illustration of a fictitious society in which the elites (Figure 1.5) can cope with the challenges to governance by following a two-pronged strategy vis-à-vis the stakeholders in governance. The objective of 'getting to good governance' should be to generate more support for legitimate methods of participation such as voting and electoral campaigns (which, in consequence, move up to the top left quadrant in Figure 8.2) as compared to riots, murders and suicide attacks, which the decision makers need to confine to the bottom right quadrant. Numbers matter. A failing regime where the bulk of the society is up in arms (e.g. East Pakistan, *c.* 1970) needs radical constitutional changes, possibly beyond its control, whereas the Left Front in West Bengal, once in power, knew exactly how to tackle the Naxalites through a combination of ruthless sanctions and radical land reforms (Chapter 4).

Homecoming of the stranger: governance and indigenous modernity

The political actor facing a choice of policies (Figure 1.2) or modes of political action (Figure 8.2) is guided by the political landscape of the

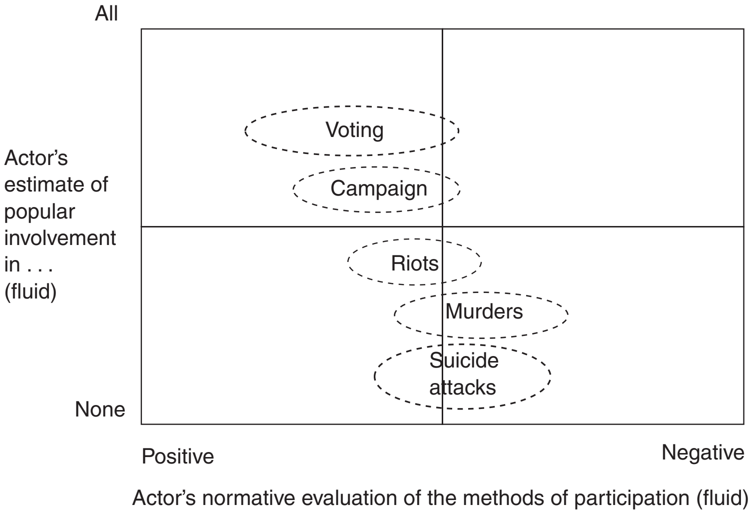

Figure 8.2 Forms of political participation: a view from below.

present. The resort to political violence, I have argued, indicates the salience that actors attach to the objective as well as the perception of the attendant risk. When substantive sections of the population resort to extreme political action, the political agenda indicates problems whose solution questions the very normative basis of the state. Democracy and empowerment have created the necessary incentives for rational actors to harvest the past to build a better future, and, as such, provide the motivation for extreme political action. Can the post-colonial state, in the name of modern values, set limits to such invocations of the past? Just as modernity, in order to be legitimate, must be qualified as *indigenous* modernity, relative to local context and embedded values, so must the modern state juxtaposed to a traditional society view the past not as a void, but as a *useful* past, containing the basic components of the identity of modern men and women. Alfred Schutz (1964) comments on this dilemma in two companion pieces.

In 'Stranger', Schutz expresses the dilemma of the successful immigrant with regard to his past. Having successfully established himself in a new culture, he looks back at his past, only to realise that it is no longer a part of either his present or his future. The past is there but cannot be changed, for 'Graves and reminiscences can neither be transferred nor conquered' (Schutz 1964: 97). So, the price the successful immigrant must pay for wanting to stay connected to the present and the future of his host society is to become 'a man without history' (ibid.). The sense of estrangement describes the political condition of post-colonial men and women. Their sense of bewilderment is complete when they try, like Schutz's 'homecomer' to go back to their roots. Having 'tasted the magic fruit of strangeness' (ibid.: 116), the 'homecomers' (post-colonial men and women) no longer feel entirely at home in the old surroundings (the pre-colonial past) either.

The post-colonial condition thus offers the elites of the modern state the option of continuing earnestly with an acquired modernity, at the cost of cutting themselves off from their own history, or of seeking in vain to withdraw to a pre-colonial past uncontaminated by modernity. As one might appreciate, neither the Constitution and institutions of the modern state alone, nor custom and tradition acting exclusively of modern institutions, can offer a strategic course to guide the actor out of this dilemma. Governance and legitimacy of the state, in this juncture, are conditional on the capacity of the modern state to become the site of negotiation between a useful past and the open frontiers of modernity.[21]

Re-enchanting governance: bringing choice back in again

This book has attempted to formulate an explanation for the Indian 'puzzle' – the existence of high governance where existing theory did not predict it – within the framework of a comparative framework. The

explanatory model used for this purpose draws both on the instrumental rationality of India's political actors and on the cultural and institutional context in which they are ensconced. While both culture and history play a crucial role in this book, they are specified as the context of explanation rather than the explanation itself. In terms of the logic of explanation that underpins our methodology, such significant facts of Indian life as India's culture and history constitute the empirical basis of the path dependency of her regions and of the national state itself. History constrains politics, for historical legacies define the boundaries of instrumental rationality, and the perception of the structure of opportunities by the main actors of Indian politics.

The memories of inter-community violence that we saw in the psycho-analytical narratives of the previous chapter continue to haunt the perceptions and political choices of both the elite and the mass electorates in India. In specific cases of riots – for example, in the riot cycle Brass (2003) refers to – one can see how actors reach the point of no return, beyond which pitched battles for dignity and territory are seen as the only recourse available. However, the results from large-scale comparison can help relativise individual cases. Comparative theory can act as the basis of new institutional arrangements that open up the possibility of negotiated solutions to the problem of identity and incompatible cultural memories in divided societies.

Governance research can add new comparative insights to the material, normative base which constitutes the context of analysis. The resilience of the Indian state owes as much to India's post-colonial decision makers as perhaps to the historical legacy on which they built – as indeed, to what the colonial rulers themselves had done. Is the state in India a discovery, a new creation or an incremental evolution?[22] In order to avoid the functionalist trap, the *continuity of India's state tradition* needs to be researched and not merely affirmed. My analysis of the beliefs, perceptions and choices of India's regional elites, the evidence of policy, implementation and institutional arrangements at the regional level and the ability of the state to cumulate and transfer knowledge of governance across time and space provides important insights into the resilience of the Indian state. Additionally, the balance between bureaucratic mechanisms for rule maintenance and the challenge to the very rules through robust participation within the state tradition has made it possible for the state to act as a vehicle for the homecoming of the stranger and a link to the pre-modern past.

This leads to two concluding thoughts. First, the analysis of governance entails the use of categories that have cultural authenticity but also cross-cultural comparability. Second, the effectiveness of endogenous solutions to governance, whose explanatory variables are territorially confined to the national state, is limited in character. Working only on variables at the same level as the actor, one soon reaches the end of the line, where an

intervention from above becomes imperative. Just as local governance in India requires an involvement of the regional level, and the regional level requires a national involvement, governance in India as a whole logically points towards exogenous variables, be it in the form of security arrangements with India's neighbours or world governance with regard to ecology, and regional governance in reference to the terms of trade. The exogenous variables that constrain the functioning of the Indian model need to be analysed carefully. It is, for example, hard to conceptualise lasting solutions for contested borders in Jammu and Kashmir or contested identities in the North-East without reference to the connection of these problems to governance in their hinterland.

Finally, what is the political price of orderly rule? Governance can be static. Rule-bound politics, while guaranteeing regularity, can also enhance the power of the status quo. Systematic politics, driven by rules that enhance predictability, can also take away the excitement of the unexpected finding its way to the political agenda. These final thoughts regarding the problem of institutionalised politics and disenchantment are beyond the specific remit of this book. The challenge of disenchantment, an inevitable side effect of bureaucratic governance, is the harbinger of charismatic authority with its potential for violent upheavals. This challenge can be met by the modern state only if it remains open to the politics of vision and memory that connects the institutions of the modern state to the violent world of ethnic and religious conflict. The long-term sustainability of democratic governance is conditional on a method of effective incorporation of new impulses from socially marginal groups on to the political agenda of the state through regular, effective participation.

Appendix

Elite questionnaire, with marginals (all states aggregated, $N = 161$)

The interviews with the regional elite – including police officers, administrators and political leaders – in Punjab, Bihar, West Bengal, Tamil Nadu, Gujarat and Maharashtra were undertaken during 1998–9. The sample was chosen on the basis of a quota, with equal weight being attached to leaders and to administrators. Wherever possible, attempts were made to induct women as well as men, and younger (35 years or below) as well as older leaders, police officers and administrators. In all, 161 semi-structured interviews were held, each lasting from an hour and a half to two hours.

We would like to talk to you about the issues and problems facing the country, particularly with regard to governance. The interview would last about an hour and a half. The information you provide will remain confidential and will under no circumstance be attributed to you by name. We thank you very much in advance for your cooperation.

Perception of order, anarchy, governance by the interviewee

Q1. We hear a lot of talk about governance these days. Some people say that there is low governance, like there is *arajakata* in parts of the country, or there is no *sarkar*. Different people mean different things by it. What comes to your mind when you think about a state of low governance?

Crime	38.4%
Self-blame	7.5%
Lack of trust	16.4%
Structural blame	30.2%
Corruption	7.5%

Q2. And what comes to your mind when you think of high governance?

Less crime	30.7%
Healthy social environment	19.6%
The ruled trust the rulers	15.0%
Effective governmental output	28.8%
Less corruption	5.9%

Q3. We have been thinking about symptoms of low governance like the large number of murders, riots, strikes and lockouts, non-payment of taxes, corruption and electoral fraud. We would like to know your views on them. Would you please look at the card and fill in the table indicating for each category how important it is as a symptom of **low governance** in your opinion?

Table A1 Perceived importance of symptoms of low governance (%)

Symptoms	*Extremely important*	*Very important*	*Somewhat important*	*Marginally important*	*Not at all important*
Large number of murders	43.4	29.6	13.2	9.4	4.4
Large number of riots	56.4	28.8	11.5	1.9	1.3
Illegal strikes and lockouts	20.6	24.5	37.4	14.2	3.2
Rampant tax dodging	33.8	40.9	18.2	6.5	0.6
Widespread corruption	70.3	18.7	7.7	3.2	
Electoral fraud	63.2	20.0	12.3	4.5	

Transition from symptoms to causes

It is important to make a distinction between the symptoms of governance and its causes, like high temperature is a symptom of fever but not its cause. For example, the fever may be caused by a viral infection. So far we have been talking about symptoms of governance. Now we would like to talk about what causes it.

Q4. What, in your opinion, causes the decline of governance?

Lack of rule-obeying attitude	16.4%
Lack of skill of governance	6.3%
Self-blame	19.5%
Decline of trust	45.3%
Corruption	12.6%

Q5. What, in your opinion, contributes to high governance?

Rule-obeying attitude	30.8%
Social environment	14.1%
Trust in government	14.1%
Policy output/process	38.5%
Less corruption	2.6%

Q6. We shall now mention some factors that might enhance governance. These have been listed in the form of possible courses of action. For each of them, would you please tell us if you agree that the measure enhances governance, or you disagree.

Table A2 Perceived importance of factors that might enhance governance (%)

	1 Agree	*2 Don't know*	*3 Disagree*
Strengthening the police force by giving them better equipment and training	72.7	2.5	24.8
Holding the police accountable for their actions	88.8	1.9	9.4
Giving the police more power	22.5	3.8	73.8
Giving land to the landless	71.3	8.8	20.0
Enacting and implementing tenancy legislation	76.4	5.1	18.5
Guaranteeing a fair share to sharecroppers	86.3	5.0	8.8
Guaranteeing minimum wages for agricultural workers	91.0	3.8	5.1
Creating jobs for the unemployed	89.2	1.9	8.9
Removing illiteracy enhances governance	94.3	2.5	3.1
Reserving jobs for backward classes	48.4	15.3	36.3
Reserving jobs for women	56.1	14.0	29.9
Protecting the rights of religious minorities	75.8	5.1	19.1
Holding fair and free elections	95.6	1.3	3.2
Spreading co-operative movements	69.6	12.0	18.4
Unionising workers	49.0	12.1	38.9
Ensuring fair prices of essential commodities enhances governance	88.5	1.9	9.6
Providing for basic needs like clean drinking water	96.8	–	3.2
Providing for good sanitation	95.6	0.6	3.8
Presence of an effective judiciary	96.3	1.9	1.9
Bringing population growth under control	89.2	7.0	3.8
Maintaining social control by village elders and community leaders	62.5	10.1	27.2
Privatisation of public-sector undertakings	33.5	10.8	55.4

Q7. I would now like to talk about agencies that help in creating high governance. For each of the following institutions, can you please tell me how important they are in your opinion for ensuring high governance?

Table A3 Perceived importance of institutions to high governance (%)

Agency	*Extremely important*	*Very important*	*Somewhat important*	*Marginally important*	*Not at all important*
Central government	58.9	25.9	10.8	3.2	1.3
State government	70.5	25.6	2.6	0.6	0.6
Local government	66.5	20.9	8.9	3.2	0.6
Judiciary	55.8	28.2	10.9	3.8	1.3
Bureaucracy	48.1	29.5	12.2	6.4	3.8
Police	43.9	30.3	16.1	7.7	1.9
Army	19.9	18.6	21.2	22.4	17.9
Media	38.7	42.8	11.6	3.9	3.2
Parliament and assemblies	68.8	19.7	9.6	0.6	1.3
Political parties	55.8	24.4	14.1	4.5	1.3

State of the nation

Q8. Thinking about the last five years, would you say that the law and order situation in the country as a whole has

1 Improved
2 Deteriorated
3 Remained the same
9 Don't know

Improved	6.3%
Deteriorated	73.4%
Remained the same	19.6%
Don't know	0.6%

Q9. Compared to five years ago, are life and property less safe than before?

1 Agree
2 Disagree
9 Don't know

Agree	74.2%
Disagree	23.3%
Don't know	2.5%

State of the region

Q10. Now, talking about your State, what would you say have been the three most important problems of governance since independence? (Once the interviewee has named three problems, ask him/her to order them and mark them with '1' – most important; '2' – second most important and '3' – third most important.)

Decline in rule of law	20.5%
Social environment	14.7%
Trust	6.4%
Policy output	58.3%

Q11. What is the most pressing problem of governance that your State is facing today?

Rule of law	28.7%
Social environment	12.1%
Legitimacy/trust in gov.	8.3%
Policy output	51.0%

Q12. What would you recommend as the best solution? (Probe for concrete policy suggestions and note only the top two suggestions should he/she name more than one.)

Rule of law	13.5%
Social environment	9.0%
Legitimacy/trust in gov.	17.3%
Policy output/process	59.0%
No solution	1.3%

Q13. Still talking about your State, would you say that governance over the past five years has been high, medium or low?

1 High
2 Medium
3 Low

High	11.4%
Medium	45.6%
Low	41.8%
Don't know	1.3%

Q13a. If 2 or 3 to Q13, why would you say that governance over the past five years has been only medium/low?

Rule of law	35.8%
Social environment	6.2%
Legitimacy/trust	21.0%
Policy output	37.0%

Q14. In your State, how effective would you say the police are in promoting governance?

1 Very
2 Somewhat
3 Not at all

Very	19.6%
Somewhat	51.9%
Not at all	28.5%

Q15. If 2 or 3 to Q14, why are the police not very effective in promoting governance?

Rule of law	16.9%
Legitimacy/trust	9.3%
Training/equipment/recruitment	22.0%
Politicisation	38.1%
Policing is immaterial	13.6%

Q16. In your State, how effective would you say the bureaucracy is in promoting governance?

1 Very
2 Somewhat
3 Not at all

Very	19.4%
Somewhat	55.6%
Not at all	25.0%

Q17. If 2 or 3 to Q16, why is the bureaucracy not very effective in promoting governance?

Rule of law	20.7%
Legitimacy/trust	20.7%
Training/recruitment/organisation	15.5%
Politicisation	35.3%
Bureaucracy is anti-poor	7.8%

Q18. In your State, how effective would you say the political parties are in promoting governance?

1 Very
2 Somewhat
3 Not at all

Very	21.2%
Somewhat	44.2%
Not at all	34.6%

Q19. If 2 or 3 to Q18, why are the political parties not very effective in promoting governance?

Rule of law	11.7%
Legitimacy/trust	46.8%
Process/organisation	28.8%
Parties are irrelevant	12.6%

Q20–Q24 are for civil servants only. For non-civil servants, go to Q25.

Respondent's professional experience

Q20. Now we would like to talk about your own professional experience. Would you say that it is very important or not very important to consult politicians in discharging your responsibilities as an administrator?

1 Very important
2 Somewhat important
3 Not important

Very important	36.3%
Somewhat important	37.5%
Not important	26.3%

Q21. How often do political leaders come to seek your help?

1 Frequently
2 Sometimes
3 Rarely
4 Never

Frequently	35.8%
Sometimes	44.4%
Rarely	13.6%
Never	6.2%

Q22. Generally speaking, on whose problems do political leaders usually seek the help of administrators? Keeping your personal experience in mind, could you please tell us how frequently each of the following problems is brought before administrators? For example, problems concerning . . .

Table A4 Perceived frequency with which particular problems are brought before administrators (%)

	Frequently	*Sometimes*	*Rarely*	*Never*	*Inapplicable*
Politician's personal benefit	36.3	37.5	21.3	3.8	1.3
The interests of relatives and family members	40.5	39.2	15.2	3.8	1.3
Friends and close supporters	59.0	26.9	7.7	5.1	1.3
Their caste group	33.3	39.7	15.4	10.3	1.3
Their religious group	26.6	39.2	19.0	13.9	1.3
Political party	46.8	39.2	5.1	7.6	1.3
NGOs and voluntary organisations	2.5	21.5	50.6	24.1	1.3
Cooperatives	3.8	30.8	44.9	19.2	1.3
Trade unions	14.3	44.2	31.2	9.1	1.3
Political factions or groups	25.6	47.4	16.7	9.0	1.3
Welfare of the whole State	5.0	25.0	40.0	28.8	1.3

Q23. Speaking from your experience, how frequent is it that politicians make unreasonable demands of administrators?

1 Very frequently
2 Sometimes
3 Rarely
4 Never

Very frequently	25.3%
Sometimes	53.2%
Rarely	15.2%
Never	5.1%
Inapplicable	1.3%

Q24. When faced with pressure from political leaders to do something you do not consider proper, what courses are you most likely to follow? Here is a list of possible courses of action. Would you kindly tell which of these you would mostly follow, sometimes follow, rarely follow or never follow?

Table A5 Courses of action followed by administrators when pressured by political leaders to do something improper (%)

	Mostly	*Sometimes*	*Rarely*	*Never*	*Inapplicable*
Explain limitations due to rules, regulations and directives	86.3	10.0	–	2.5	1.3
Appeal to their reason and good sense	51.9	32.1	7.4	7.4	1.2
Seek the help of other political leaders and prominent citizens	5.1	29.1	22.8	41.8	1.3
Seek support from another competing political group	3.7	8.6	16.0	70.4	1.2
Create political opinion through formal or informal channels	7.4	30.9	22.2	38.3	1.2
Try to deal with the situation yourself but by seeking the support of higher levels of the administration	34.6	40.7	18.5	4.9	1.2
Postpone decision till favourable situation arises	6.5	45.5	27.3	19.5	1.3
Seek transfer to some other place	1.3	15.6	26.0	55.8	1.3
Try to deal with the situation yourself but by seeking support of higher level political leaders	7.5	17.5	26.3	47.5	1.3
Refer the matter to the judiciary	2.5	25.0	17.5	53.8	1.3

The questions Q25–Q27 are meant for non-civil servants only.

Q25. Leaders often go to civil servants for many kinds of problems. Here is a list of problems generally mentioned. How frequently do you approach administrators with each of these problems?

Table A6 Frequency with which leaders approach administrators with particular problems, as perceived by leaders (%)

	Frequently	*Sometimes*	*Rarely*	*Never*
Guidance on administrative procedures and rules	32.4	30.9	19.1	17.6
Law and order problems	46.4	40.6	5.8	7.2
Economic problems of the people	42.0	39.1	7.2	11.6
Problems of administrative delays	50.0	36.8	4.4	8.8
Problems concerning implementation of government plans	53.6	26.1	10.1	10.1
Problems arising from conflict between groups (social, economic, political)	44.9	33.3	11.6	10.1

Q26. Often leaders have to approach administrators for getting certain things done for different groups and individuals. Generally speaking, whose problems do politicians in your opinion usually bring to the notice of administrators and how often? Problems concerning . . .

Table A7 Politicians' perceptions of whose problems they put before administrators and how often (%)

	Frequently	*Sometimes*	*Rarely*	*Never*
Leader's personal benefit	23.2	33.3	15.9	27.5
The interests of friends and close supporters	26.9	44.8	16.4	11.9
Relatives and family members	22.1	44.1	5.9	27.9
Their caste	17.6	47.1	7.4	27.9
Their religious community	14.7	39.7	17.6	27.9
Political parties	37.7	37.7	11.6	13.0
Welfare of the people of their own area	63.8	24.6	7.2	4.3
Welfare of the people of the whole state	33.8	36.8	22.1	7.4

Q27. It is the experience of many leaders that for getting certain things done it becomes necessary to bring pressure on administrators. Following is a list of possible actions that political leaders may have to take to induce administrators to favourably respond. How often in your opinion do politicians in general apply each of the following pressures?

Table A8 Politicians' perceptions of how often they apply particular pressures to administrators (%)

	Frequently	*Sometimes*	*Rarely*	*Never*
Attempt at persuasion through important citizens	21.9	39.1	28.1	10.9
Making it a public issue by organising agitation processions, etc.	35.8	53.7	4.5	6.0
Persuasion through the administrator's friends and relatives, etc.	9.1	31.8	30.3	28.8
Bringing pressure from higher-level political leaders	29.4	47.1	10.3	13.2
Bringing pressure from higher levels of administration	29.9	38.8	22.4	9.0
Promise of better career opportunities	22.4	20.9	23.9	32.8
Promise to take responsibility of consequences	18.5	27.7	29.2	24.6
Threat of punishment, like affecting service record	13.2	33.8	14.7	38.2
Affecting service conditions by transfer	23.2	24.6	21.7	30.4
Offering monetary incentives or other such rewards	14.5	15.9	30.4	39.1
Going on the media	26.5	29.4	30.9	13.2
Moral coercion through fast or self-immolation	5.9	30.9	25.0	38.2
Threat of violence	5.9	13.2	35.3	45.6

From here onwards, the questions are to be put to all respondents.

Q28. Following is a list of certain matters on which decisions are frequently made. We are interested in finding out who in your opinion should be primarily responsible for taking decisions on each of the following matters. That is to say, should it be the responsibility primarily of the administrator, or of elected leaders, or both or none?

Table A9 Perceptions as to who should be primarily responsible for certain types of decisions (%)

	Primarily administrator	*Primarily elected leader*	*Both*	*Neither*
Formation of broad policies	5.1	58.3	35.9	0.6
Fixing of priorities in programmes of implementation	14.7	41.7	43.6	–
Policy decisions relating to day-to-day working of government	63.6	10.4	26.0	–
Implementation of programmes	75.3	4.5	20.1	–
Distribution of loans, grants and subsidies	60.6	11.6	27.7	–
Allocation of licences, quotas and permits	69.2	11.5	16.7	2.6
Selection of sites for programmes	29.0	19.4	51.6	–
Disposal of public grievances	28.8	12.8	58.3	–
Dealing with emergency situations such as droughts, floods, etc.	24.0	5.8	70.1	–

Q29. Following are some statements made by people about administrators and politicians. We would like to know your own impressions about administrators and politicians as a class or group which you may have formed in course of your association with public life. What we are interested in is not your evaluation of particular individuals but your impressions of administrators and politicians in your State in general. Let us take administrators first. How far do you agree with each of the views listed below?

Table A10 Perceptions concerning administrators (%)

	Mostly agree	*Mostly disagree*
Administrators distrust politicians	58.7	41.3
Administrators guarantee fair and just treatment to all	34.0	66.0
Administrators are corrupt	56.9	43.1
Administrators are mainly concerned with improving their own prospects	66.7	33.3
Administrators do not appreciate viewpoints of political leaders	42.5	57.5
Administrators encourage local initiative	43.4	56.6
Administrators have a tendency to expand the departments and increase procedures instead of solving concrete problems	82.9	17.1
Administrators work in the interest of ruling groups	76.0	24.0
Administrators are responsive to new ideas and practices	52.6	47.4
Administrators do not listen to the advice of others, they do whatever they like	51.3	48.7
Administrators do not pay any heed to proposals and demands of political leaders	21.2	78.8
Administrators are very rigid in their attitude	51.3	48.7
Administrators have no knowledge of local problems	34.7	65.3
Administrators take part in local politics	40.5	59.5
Administrators are inefficient	42.6	57.4
Administrators are helpful to people in addressing their problems	61.7	38.3
Administrators are partial to particular groups and classes	64.5	35.5
Coming from urban areas, administrators do not care for village folks	51.6	48.4
Administrators keep themselves aloof from the people	67.1	32.9
Administrators do not appreciate the difficulties of politicians	51.0	49.0
Administrators are sticklers for rules	71.2	28.8
Administrators are indifferent to people's difficulties	49.0	51.0
Administrators are better educated and so, capable of running the government better	44.8	55.2
Administrators are more concerned with putting up a show than doing concrete work	60.3	39.7

Q30. Let us now take politicians. How far do you agree with each of the views about politicians mentioned below?

Table A11 Perceptions concerning politicians (%)

	Mostly agree	*Mostly disagree*
Politicians help the administrators in getting popular support for government policies	66.4	33.6
Politicians bring to the notice of the administrators people's grievances and opinions	93.5	6.5
Politicians do not know how to manage public affairs	35.1	64.9
Politicians are corrupt	66.7	33.3
Politicians are an important link between government and people	93.4	6.6
Politicians are a check on administrative lapses	77.3	22.7
Politicians are not well acquainted with administrative procedures, rules and regulations	72.2	27.8
Politicians work only in their self-interest	54.7	45.3
Politicians do nothing but create trouble for the administration	17.2	82.8
Politicians are hostile to the administration	23.8	76.2
Politicians are so much involved in power struggles that they have little time to attend to actual problems	69.1	30.9
Politicians have no regard for administrative procedures rules and regulations	58.6	41.4
Politicians help in making government policies realistic	66.2	33.8
Politicians are generally cooperative with administrators	69.5	30.5
Politicians cannot act in a decisive manner because of various conflicting pressures on them	77.0	23.0
Politicians do not trust administrators	43.9	56.1
Politicians create more and more dissension in the community	53.7	46.3
Politicians are not sufficiently educated for running the government	55.3	44.7
Politicians do not appreciate the difficulties of administrators	57.8	42.2
Politicians are concerned only with furthering the interest of their own relatives and castemen	53.4	46.6
Politicians care for people's welfare	59.1	40.9

Glossary

Adivasi Tribal population.
Arājakatā (Hindi) Literally, kinglessness. Anarchy.
Bandh Collective cessation of public activities.
Benami A term applied to land held above the permissible ceiling, registered under false names.
Bhadralok Upper strata of Bengal and Orissa society.
Boycott A form of strike action in which all contact is broken off.
Chowkidar Watchman.
Dalit Literally, the suppressed ones, a political label under which former untouchables describe themselves.
Devadasi Temple dancer.
Dharma A cosmic law that holds the universe together.
Durgapuja Literally, the worshipping of the goddess Durga, a four-day Hindu religious festival that takes place in autumn.
Gherao To surround a decision maker.
Gram panchayat Village council, basic unit of rural government.
Harijan Literally, child of God, a term coined by Mahatma Gandhi to give respectability to members of the former Untouchable castes.
Hartal Strike action.
Jail bharo To fill the jails as a form of radical protest.
Jajmani Traditional system of patron–client relationship.
Jati Localised caste.
Karma The accumulated result of past actions.
Kisan Literally, peasant.
Lok Sabha Lower house of Indian Parliament.
Mai bap Hindi phrase literally meaning mother–father: an image of the ruler as the source of bounty, protection and indulgence.
Matsya nyaya Sanskrit phrase meaning Law of the Fishes.
Meli The unlawful coming together of subjects with the intention of challenging political superiors.
Morcha A demonstration intended as a show of force.
National Election Study A national survey periodically conducted by the Centre for the Study of Developing Societies, Delhi.

Panchayat samiti Area council, consisting of village panchayats.

Panchayati raj Local self-government at the village, sub-district and district level.

Raj Literally, rule; hence, British Raj, or panchayati raj.

Rajya Sabha Upper house of the Indian Parliament.

Rasta roko To prevent traffic from passing through in order to exert pressure on the government.

Ryotwari A system of land tenure in which land is held directly from the state.

Sarkar Government.

Satyagraha Literally, truth-force; a form of non-violent protest action innovated by Gandhi as part of India's freedom movement, which has gradually acquired common currency as a common tool of political action.

Sudras The lowest *varna* among classical Hindu castes, but still above Untouchables, generally grouping together farmers and artisans.

Taluka A hereditary estate, a revenue unit.

Thana Police station.

Varna Classical social division, of which there are four, referred to in Hindu holy texts.

Notes

1 Introduction: a comparative theory of governance

1 The concept of ‘changing societies’ indicates societies whose institutions, in contrast with post-industrial, stable democracies, are of exogenous provenance to various degrees. The focus on institutions differentiates my usage of this term from that of Huntington (1968), who uses the concept more broadly to include all ‘modernising’ societies.

2 ‘Chairman Mao’s Great Leap Forward starved over 20 million to death, before moving on to the Cultural Revolution’ (*The Economist*, 6 November 2004: 89). The article chronicles other horrors of the twentieth century with regard to significant acts of collective violence in Stalinist Russia, Hitler’s Germany and, more recently, Cambodia.

3 ‘Barring some technical miracle that will enable every Indian peasant to grow abundant food in a glass of water or a blowl of sand, labor will have to be applied much more effectively, technical advances introduced, and means found to get food to the dwellers of cities. Either masked coercion on a massive scale, as in the capitalist model including even Japan, or more direct coercion approaching the socialist model will remain necessary. The tragic fact of the matter is that the poor bear the heaviest costs of modernization under both socialist and capitalist auspices. The only justification for imposing the costs is that they would become steadily worse off without it’ (Moore 1966: 410).

4 Short of outright rebellion or moral violence, protest can also take the forms of the ‘weapons of the weak’ such as ‘foot dragging, dissimulation, desertion, false compliance, pilfering, feigned ignorance, slander, arson, sabotage’ (Scott 1985: xvi). Victims of racial and sexual violence are known to pass the memories of violence to their progeny (Kakar 1995), hoping they will live to fight another day. One can protest without any outward signs of disobedience through a complex repertoire that follows a two-track strategy of combining rational protest with institutional participation (Mitra 1992). Each of these acts has a direct implication for governance.

5 ‘Good governance implies managing public affairs in a transparent, accountable, participative and equitable manner showing due regard for human rights and the rule of law. It encompasses every aspect of the State’s dealings with civil society, its role in establishing a climate conducive to economic and social development and its responsibility for the equitable division of resources’ (European Commission, Communication to the Council and Parliament, 24 February 1998. COM (98) 146).

6 Jayal (1997) argues with considerable force that by incorporating liberal values and institutions as the normative basis of good governance, the approach reduces social research merely to a set of policy recommendations, tactically

disguised as preconditions of the rule of law but actually serving as political tools of dominance. It weighs the scales in favour of a specific set of normative goals, independent of the choices of the stakeholders.

7 Prominent within the burgeoning genre that devised institutional solutions to problems of governance within the framework of Western liberal values are North (1990), March and Olsen (1995), Rhodes (2001) and Kooiman (2003).

8 As globalisation of life and politics has increasingly tended to weaken national boundaries with regard to problems of security, the legitimacy of the core beliefs that 'modernity is a single condition, everywhere the same and always benign' and that modernisation necessarily fulfils the material promise and 'the values of the Enlightenment' (Gray 2003: 1) stands challenged. Drawing attention to a sense of scepticism about the assumptions that underpin the project of modernity, the philosopher John Gray has remarked, 'The suicide warriors who attacked Washington and New York on September 11th, 2001, did more than kill thousands of civilians and demolish the World Trade Center. They destroyed the West's ruling myth' (ibid.: 1).

9 On this point, see Varshney (2002) and Mitra (2003). Even strangers, in some circumstances, can trust one another enough to be able to sustain regular, orderly transactions (Seabright 2004).

10 India's legendary juxtaposition of solid, stolid, and stable political institutions with sudden outbreaks of spectacular and unspeakable violence has spurred tantalising remarks from scholars like Morris-Jones ([1964] 1987) who have known her well: 'changing India [remains] what it has ever been: by turns infuriating and fun to be with, [and] always an absorbing delight to try to understand' (Morris-Jones 1987: 287).

11 Pape (2003) characterises suicide terrorism as a force multiplier. He argues that suicide terrorism as a strategy is not outside the ambit of negotiation: 'suicide terrorism follows a strategic logic, one specifically designed to coerce modern liberal democracies to make significant territorial concessions' (p. 343).

12 Drawing on discourse analysis, the methodology adopted here aims at bringing the full range of the social process, involving 'issues of identity formation, the production of novel ideologies, the logic of social movements and the structuring of societies by a plurality of social imaginaries' (Howarth *et al.* 2000: 2).

13 'The fact that every object is constituted as an object of discourse has nothing to do with whether there is a world external to thought, or with the realism/idealism opposition. An earthquake or the falling of a brick is an event that certainly exists, in the sense that it occurs here and now, independently of my will. But whether their specificity as objects is constructed in terms of "natural phenomena" or "expressions of the wrath of God", depends upon the structuring of a discursive field. What is denied is not that such objects exist externally to thought, but the rather different assertion that they could constitute themselves as objects outside any discursive conditions of emergence' (Laclau and Mouffe 1985: 108).

14 The failure of convergence of the two, I argue in Chapter 7, produces a psychological condition that Sudhir Kakar calls 'chosen trauma' (1995: 63) and Natalie Davis describes as 'legitimacy deficit' (1973: 52).

15 Segal (1965: 12) quotes the colourful views of a contemporary: 'They [Indians] are a dirty and submissive lot, with no flame or fight in them, swaddled in superstition and apathy and a meaningless arrogance. The rich are ravenous and corrupt, and the poor are drained dry almost of the will to survive. The government is muddled and ineffectual, the country is a hopeless mess, and calamity of one kind or another is unavoidable.'

16 The sentiments expressed by Segal (1965: 13–14) sum up Western perceptions of India at the first flush of independence: 'Hinduism . . . belongs to India as the

blood to the body. . . . Hinduism is the flow of India's life, as Catholicism was the flow of life in medieval Europe, informing the market-place no less than the cathedral, giving to power its shape, to labour its content, and to society its meaning. . . . Hinduism conditions the relationship of the individual to society, prescribing his multitude of rights and obligations. [It] qualifies his relationship to his wife, to his parents, to his children and, above all, to himself. Hinduism influences not merely how an Indian acts, but how he thinks, not merely what he believes but how he feels.' Though dated, these astute observations still hold true for many in India and abroad.

17 In the voluminous literature that has grown around governance, one notices more a pendulum-like mood swing between optimism and pessimism with regard to the state of governance, reflecting the political reality of the day, rather than the cumulating of analytical rigour and methodological precision. The tendency in some recent studies is to lean towards a pessimistic prognosis (Brass 2003). In contrast to his earlier prognosis, Kohli's *The Success of India's Democracy* (2001) endorses the achievements of India's institutional arrangements.

18 Kohli's study (1990) of the rise of lawlessness during the 'decades of chaos' in West Bengal characterised governance neither as a cultural nor as an institutional inevitability but as a variable with wide variations, which raises an issue that needs to be explained systematically.

19 See 'Flawed paradigms: Western models of Indian politics' in Mitra (1999a), and Mitra and Singh (1999).

20 To quote Kohli, 'the growing problem of governability is best understood as a product of *uncontrolled politicisation* within both the state and the civil society' (1991: 199; emphasis added). Who can legitimately decide at what level politicisation becomes uncontrolled? For details of this argument, see Mitra (1988).

21 See Mitra (1997, 1999b) for further illustrations of this model.

22 How about illegitimate stakeholders? '[S]ome corporations must count "terrorist groups" as stakeholders. As unsavoury as it is to admit that such "illegitimate" groups have a stake in our business, from the standpoint of strategic management, it must be done' (Freeman 1984: 33).

23 Rule violation can be contagious as well as cumulative. Infraction with impunity by some actors makes it practically necessary and morally feasible for others to do likewise. Rule violations at higher reaches of the system cascade downwards with a cumulative multiplier effect, leading to the breakdown of law and order.

24 Taken together, the six regions, many of which are comparable to European nation-states in size, constitute a sample that incorporates a wide variety in terms of the organisation of the economy, levels of poverty and affluence, production systems and standards of sophistication. The sampling criteria are discussed in Chapter 2.

25 Still, the comparatively rare outbreaks of mass political violence like the Watts riots in the United States or book burning in Bradford, England, remind us of hidden reserves of resentment deep under the bedrocks of solid institutions in Western societies.

26 Those familiar with the Constitution of India might recall that this basic book of rules alludes to the duality of identity in India, suspended between *individualistic India* (one person, one vote; individual property rights) and *Bharat*, evocative of organic, collective identities and group rights right at the outset: 'India, that is Bharat, shall be a Union of States' (article 1).

27 This assumes, of course, that social theory is possible only if there is an interface of contending views of society and the state, ample enough to constitute a social base of intersubjectivity that gives it legitimacy. See Figure 1.6 later in the chapter.

28 March and Olson (1984), as Guy Peters suggests, stressed the importance of norms and values in defining how those organisations should and would function. Seen in this light, institutions define a 'logic of appropriateness' that 'guides the actions of their members. In this view the most important element defining an institution is the collection of values by which decisions and behaviors of members are shaped, not any formal structures, rules or procedures' (Guy Peters 1996: 208).

29 The availability of the legal and political weapon for individual mobility tends to break down cleavages based on caste and class. See Mitra (1990b).

30 The model depicted in Figure 1.5 provides for a room to manoeuvre for decision makers in situations that appear to be intractably polarised between conflicting parties. A narrative of the Ram Janambhumi–Babri Masjid conflict helps us understand the superior explanatory power of the rational choice neo-institutional model. The destruction of the Babri Masjid, carried out on 6 December 1992 by a mob of Hindu fanatics, has been explained as a case of fundamentalist violence (the protagonists being Hindu and Muslim extremists led by religious leaders), ethnicity (based on the emergence of Hindu assertiveness) and competitive mobilisation by Hindus and Muslims for material advantages (Brass 2003). The explanation formulated in Figure 1.5 helps us build an alternative testable empirical research agenda that enables us to calculate the costs and benefits of observing order and, as an alternative, violating rules from the point of view of the individuals, taking into account the inaction of the police (under orders of the Hindu nationalist regional government), the army (under the orders of an ambivalent national government then ruled by the Congress Party) and the physical location of the site, from which rioters could easily melt back into the entrails of a medieval temple town which reduced the cost of participation in the riot.

31 Rules are symptoms of human experience as well as causes affecting human experience. But rules are nothing without their perception, interpretation and implementation. Formal rules *per se* will not guarantee governance. It is their 'appropriateness', especially with regard to decision making, varying over time and space, as well as their capacity to order a multiplicity of situations, that makes them essential. Human behaviour is governed both by experience and by strategic choices in interpersonal situations. Of crucial significance is the impersonal character of rules, their distinct appeal and consistency. Rules must have the property that they can be calculated. That is what makes them worth obeying.

32 In civil law, a principal effect of rules is the allocation of rights and liabilities, but in the criminal and regulatory law two different approaches are taken. Rules based on the prescriptive model involve instruction plus some kind of sanction. This may be direct, as with criminal imprisonment and fines, or it may be indirect where, for example, an enforcement official is given discretion to apply an administrative sanction or order, failure to comply with which involves an offence. In contrast, commendatory or enabling rules are used so as to organise, enable or recommend a course of action.

33 Those who have observed an Indian election from close quarters will be aware of the scope for human ingenuity when it comes to rule infraction. At the same time, one should remember the transformation of chaotic electoral campaigns into orderly processes by the Election Commission under Seshan, which thereafter became accepted practice.

34 March and Olsen provide most useful insights into the key categories that underpin contemporary research on governance. 'Action is taken on the basis of a logic of appropriateness associated with roles, routines, rights, obligations, standard operating procedures and practices. Appropriateness refers to a

match of behaviour to a situation. . . . Through a series of stratagems like socialisation, propaganda, material and moral incentives and sanctions, organisations seek to transform individual behaviour into institutional behaviour' (1989: 30–1).

35 This is a Lockean solution to the problem of governance. Rousseau's concept of community can be seen as a solution to the anarchy that potentially prevails in all interpersonal situations. Axelrod (1984) has theorised it in terms of some specific empirical conditions.

36 With regard to religious violence in sixteenth-century France, Natalie Davis (1973) describes this as a 'legitimacy deficit' (see Chapter 7).

37 For European illustrations of the taming of the crowd and creation of order through the creation of the citizen, see Tilly (1975a) and Schama (1989), particularly the chapter entitled 'The cultural construction of a citizen' (pp. 123–74).

38 Refer to the analytical narrative of Bihar in Chapter 4.

39 'The governance concept points to the creation of a structure or an order which cannot be externally imposed but is the result of the interaction of a multiplicity of governing and each other influencing actors' (Kooiman 1993: 64).

40 'A consequence of this hermeneutical orientation is that theory cannot be separated wholly and objectively from the reality it seeks to explain, as theoretical practices are themselves partly constitutive of (and shaped by) the social worlds in which the subjects and objects of research find themselves' (Howarth *et al.* 2000: 6).

2 Measuring governance: a design for empirical inquiry

1 I have chosen the title of Scott's study (1998) to draw attention to the close connection between interests, perception and categories of the political groups that dominate the state.

2 The firm belief in the tangible and solid roots of these connecting links between the individual and authority of the state has been put to question by suicide terrorism, where political actors are willing to exchange their lives for the values they hold sacred. The asymmetry of perceptions between the state and the individual in this case questions the very basic assumption that buttresses the conventional quantitative indicators of orderly rule. In consequence, contemporary states and theorists of political order are obliged to look for new methods to access the inner world of the desperate political actor, while, at the same time, retaining the links to theory and the conventional parameters of the politics of governance.

3 *Webster's Seventh New Collegiate Dictionary* (Springfield, MA: G. & C. Merriam, 1969: 398). Is a homeostatic system necessarily symbiotic? The answer will depend upon the position of the actor in the nexus of power, for the good farmer, whom Aristotle sees as the only chance of virtue for the natural slave, might be seen as the very image of exploitation by the slave. The very asking of the question challenges the ideological cohesion of a homeostatic society, leading it towards disintegration.

4 Huntington measures political order in terms of violent death per 1,000,000 population. The source used by him is Russett *et al.* (1964).

5 *Meli*, the unlawful coming together of subjects with the intention of challenging political superiors, used to be a standard technique of organising an uprising in Orissa. Rendered powerful by their togetherness and anonymity, stripping themselves and their adversaries of dignity and identity, riots are the classic threat to public order (Cannetti 1973). The lesson of the potential power of disorder was learnt by Gandhi, the superb manipulator of the masses, early in the

course of civil disobedience, and effectively used as part of the struggle for independence from British rule.

6 Thus 'whoever,

(a) by words, either spoken or written, or by signs or by visible representations or otherwise, promotes or attempts to promote, on grounds of religion, race, place of birth, residence, language, caste or community or any other ground whatsoever, disharmony or feeling of enmity, hatred or ill will between different religious, racial, language or regional groups or caste or communities, or

(b) commits any act which is prejudicial to the maintenance of harmony between different religious, racial, language or regional groups or castes or communities, and which disturbers or is likely to disturb the public tranquillity, or

(c) organises any exercise, movement, drill or other similar activity intending that the participants in such activity shall use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will use or be trained to use criminal force or violence, or participates in such activity intending to use or be trained to use criminal force or violence or knowing it to be likely that the participants in such activity will be trained to use criminal force or violence, against any religious, racial, language or regional groups or caste or community and such activity for any reason whatsoever causes or is likely to cause fear or alarm or a feeling of insecurity amongst members of such religious, racial, language or regional group or cast or community, shall be punished with imprisonment which may extend to three years, or with fine, or with both' ('Offences against public tranquillity', Ratanlal and Dhirajlal 1992: 170–1).

7 For offences relating to religion, see Ratanlal and Dhirajlal (1992: 305).

8 'Indeed I intend to demonstrate that the persistence of riots so labelled is in large part a consequence of their functional utility for all dominant political ideologies, both secular and communal, in contemporary India. Their persistence helps local, state and national leaders of different ideological persuasions in capturing or maintaining institutional and state power by providing convenient scapegoats, the alleged perpetrators of the events, and by providing as well dangers and tensions useful in justifying the exercise of state authority' (Brass 1997: 6–7).

9 Brass draws a dismal picture of rules and legitimacy in north India from this: 'Thus, what we have in the north Indian countryside are a set of formal rules and practices obeyed by few, a set of informal rules and practices followed by most, and a lack of legitimacy attached to both because the first are known to be ineffective and partial while the second set no limits to extortion' (1997: 279). By focusing on specific spots affected by communal violence, Brass is able to come up with succinct explanations of why it happened in those specific contexts. But generalising from such episodic events to the whole of India is problematic.

10 See the Appendix for a brief description of the method of the collection of data on the attitudes and perceptions of the regional elite on the basis of semi-structured interviews.

11 'The magnificent importance of interpretation suggested by this example is clear: it provides new ways of looking at the world – new concepts to be considered and hypotheses to be evaluated. Without deep immersion in a situation, we might not even think of the right theories to evaluate' (King *et al.* 1994: 39).

12 There is considerable public awareness of the salience of crime as an indicator of low governance, and, to that extent, of the solicitous concern of political

parties keen on selling their image as the upright defenders of law and order. To the incident with regard to the public demonstrations of criminal links on the part of the Gujarat minister, the Rashtriya Swayamsevak Sangh (RSS) expressed its misgivings: 'As a senior RSS leader says, "Admitting Solanki . . . into the party is indefensible in the light of tall claims to value-based politics we have been making. It virtually makes a mockery of our slogans on *bhaya* (security), *bhookh* (hunger) and *bhrastachar* (corruption)," admits state BJP chief Rajendrasinh Tana, "The Solanki episode has soiled the party's image"' (Uday Mahurkar, in 'Probity Posers', *India Today*, 26 June 2000: 23).

13 The philosopher of science Churchman (1961) refers to this as the circularity of all measurement. Whereas the radical position of Brass (1997) indicates the imprecise nature of all social measurements, one can argue, on the basis of the results reported here, that an approximation of 'true' measurements is possible through the aggregation of individual perceptions.

14 Data for mass perception of the state of law and order were derived from the National Election Study 1996, conducted by the Centre for the Study of Developing Societies, Delhi. This was based on a multi-stage random sample of the Indian electorate, consisting of about 10,000 men and women. See Mitra and Singh (1999): appendix 1 for the methodology of the fieldwork, and appendix 3 for the questionnaire.

15 It is of course possible to query why I have left out interesting cases like Kashmir and Assam from detailed empirical study in a research project that concerns India as a whole. The troubled political conditions of those regions could not be a complete argument in its own right. What is important is to remember that the cases are intended to act as empirical bases on which to test a model of governance that gives a key explanatory role to regional political actors. That is scarcely the case with the kind of violence that has rocked the States of Jammu and Kashmir and India's North-East in recent times. The more important argument is that the low governance of these states has geopolitical causes that do not form a part of the model that I intend to test. Their level of governance is affected by exogenous factors that do not apply in the same manner as in the other states to the point where, used in a comparable manner, the model that underpins this book would be underspecified in the cases of Jammu and Kashmir and Assam.

16 This research was conducted on the basis of face-to-face interviews with about 200 local leaders and a representative sample of cross-sections of about 800 people in eighteen villages from Gujarat and Orissa. For detailed results and field methods, see Mitra (1991b, 1992).

17 The theme of governance runs as a common thread in the classic Indian text of administration of *Arthasastra* by Chanakya, in the *Leviathan* of Hobbes, and in Huntington's *Political Order in Changing Societies* (1968) and March and Olsen's *Democratic Governance* (1995).

3 The institutional arrangement of governance: structure and formation of the state in India

1 The expression 'The state at risk?' is the subtitle of Christophe Jaffrelot's insightful and provocative study (2004) of the Gujarat riots.

2 'We have, here, therefore, discovered one of the principal precipants of large-scale riots, namely, the political manipulation of local conflicts and their transformation into Hindu–Muslim confrontations whose function is to solidify communal identities, communalize the electorate, and polarize the electoral contest in order to achieve victory no matter the cost in human lives . . . the history of Aligarh, of U.P. [Uttar Pradesh] and much of the rest of the country

as well does not inspire confidence that there will be no occasion in future for the resuscitation of movements of mass mobilization, designed to mobilize Hindus, intimidate Muslims, and move India further in the direction of a militant Hindu state' (Brass 2003: 301). Similar sentiments, expressed by others including Hansen (2001) and Mahmood (1996), are reminiscent of the sceptical prognosis of Harrison (1965) with regard to the future of the state in India.

3 As operationalised here, stateness has a methodological edge over social capital, which is presented in the society-centred discourse of governance as an explanatory variable. Our analysis agrees with the assertion of Lowndes and Wilson (2001: 629) that 'Robert Putnam's social capital thesis is too society-centred and undervalues state agency and associated political factors'.

4 Bates *et al.* (1998: 7) have made use of analytical narratives to examine the role of the state in the maintenance of order, focusing on national security and the political economy. Reis (2004) and Axtmann (2004) show how the classical state has adapted itself to the contemporary challenge of globalisation through surreptitious mutation and the discovery of new functions.

5 Variously known as 'pyraveekar' (Reddy and Hargopal 1985), culture brokers and 'netas' (Mitra 1992), these intermediaries between the state and society are a fluid and diverse social group that has developed a symbiotic relationship with democratic institutions in the localities and regions.

6 'In India, the legacy of a long tradition, the integrity of an historical culture and the great solidarities that were built through religious and social movements that were *characteristically Indian* had for long acted as buffers against an inherently fissiparous situation. The social system provided a key to political stability. Now this very social system is undergoing profound changes and has entered a process of continuous fluidity and fragmentation' (Kothari 1970: 3; emphasis added).

7 Kautilya (1987: Part 3, 3.1.41, p. 141). 'The king and his rule encapsulate [all] the constituents of the state' (ibid.: 8.2.1).

8 Ibid.: 8.2.12, p. 141. 'A ruler's duties in the internal administration of his country', Rangarajan, commenting on Kautilya's *Arthashastra*, adds, 'are three-fold: *raksha* or protection of the state from external aggression, *palana* or maintenance of law and order within the state, and *jogakshema* or safeguarding the [moral and material] welfare of the people' (p. 15).

9 Commenting on the catalytic role of British rule, Woodruff says, 'Instead of becoming the kindly and paternal guides of a people meekly content to imitation, they were directed to perform the more stimulating and creative – if less pleasant – function of a counter-irritant, a moral mustard-plaster, which restored the circulation and began a brisk reaction' (1954: 360).

10 Philip Mason (in Allen 1975: 18) sums up the sentiment that provided a bonding mechanism for the British rulers, civilians and military men alike, one that they hoped to have successfully passed on to the Indian successors to the steel frame of the Raj: 'And in a sense it was by doing things properly – more often at least than most Indians – that the British had established themselves in India and that so few ruled so many with so slight use of overt force. There was a subconscious awareness of this that involved us in continual effort and expressed itself in all kinds of ways – from insisting on absolute precision in military drill to the punctilious observance of outdated etiquette, or a meticulous insistence on a knife-edge crease to khaki shorts.'

11 'There is not and never was an India, no Indian nation, no "people of India" ' (Strachey 1988: 4); '[India is] a mere geographical expression like Europe or Africa' (Seeley 1983: 92).

12 'The single most significant variable, then, in the establishment of stable government thus far has been the political skill of the Congress leadership – the

skill to build coalitions of factions or to place their own faction in a dominating position both in the government and in the Congress party simultaneously. No other variable therefore – degree of urbanization, literacy, the patterns of social organization, or for that matter, the speed of economic growth – correlates with stability of government' (Weiner 1968: 54).

13 We learn from Susanne Rudolph that 'As we address the state in Asia (as indeed the state *per se*), we must treat the symbolic as a phenomenon. We must try to create theoretical frameworks that combine a demystified, rationalist worldview with an understanding of the phenomenology in societies where the gods have not yet died' (1987: 742).

14 His method, Fox asserts, which 'investigates the behavioural and ideological interaction between local community and national society in pre-industrial northern India . . . identifies and defines more adequately the special qualities of Indian civilization, at least as they are reflected in the unique culturally defined state–hinterland relations found within traditional northern India' (1971: vii).

15 Fox describes the 'rajas, chaudharis, talukdars or babus' who 'usually inherited their prerogatives of power and influence, either as autocratic leaders or republican representative of their kin groups' as the 'pivotal figure', and a 'hinge linking the local stratified lineage with state authority' (1971: 47–8). Drawing on Southall's work, Fox describes the state system in the pre-industrial world as segmentary. In this system, territorial sovereignty was recognized but held only limited power, forming a series of zones in which authority was 'most absolute near the centre and increasingly restricted towards the periphery, often shading off into a ritual hegemony' (ibid.: 56–7). The centre exercised only a limited control on these peripheral units. The whole nexus of power and authority was both flexible and fluctuating, with units changing allegiance to keep in tune with the ebb and flow of central power.

16 Mitra (1991b) offers a model of state–society interaction in which the new social elites, themselves the outcome of a process of democratic political recruitment, play a two-track strategy and institute processes of law and order management, social and economic reform, and accommodation of identity as an operationally testable model.

17 Max Weber reaches this crucial linkage function of caste halfway through his conception of the transmission chain function which he attributes to it. 'Caste was the "transmission belt" between the speculative ideas of an intellectual elite and the mundane orientation of religious observance among the people at large' (Bendix 1960: 196). It is not the natural distribution of inventive talent that was lacking in pre-modern India, as one can see from the fine sculpture and sophisticated buildings. What was missing was the institutional arrangement that would marry the talent to the necessary organisation of the process of production and political guarantee for the rewards of entrepreneurship.

18 'Mill will be the living executive – I shall be the dead legislative of British India' (Bentham, quoted in Stokes 1959).

19 This does not include Jammu and Kashmir, which was still reeling under the aftermath of the tribal invasion; Telengana, which was still under the control of the Indian army, engaged in pacification of the peasant rebellion; and the North-East, where the Nagas, under the leadership of Fizo, were engaged in waging war against the Indian state.

20 Mitra (1990a) and Mitra and Singh (1999) show how the democratisation of a traditional society necessarily challenges the structure of authority.

21 This process created the aura of the inexorable passage of the traditional society in favour of modern times as far as the institutions of state are concerned. 'Kinship withers as society passes from the primitive to the complex.

Familial etiquette gives way to class and power relationships. Lineage and clan are bypassed in favour of county, province and state' (Fox 1971: 129).

22 'Both state and stratified lineage are entwined in a relationship of distrust and exploitation, characterized by threat and counter threat, and enforced by violence or revolt. Although neither party recognizes the other, their fortunes are inextricably bound up, so that changes at the state level precipitate local changes and vice versa. The lineage raja and elite are at the same time players and pawns. Their intermediary role between state and kin defined locality sometimes brings affluence and power, at others disinheritance and deposition, or even rustication and banditry' (Fox 1971: 165).

23 Particular attention needs to be given to the use that India makes of federalism as a political resource for the purpose of achieving administrative efficiency, governance and legitimacy. So successful has the arrangement been that the earlier doubts about India being a quasi-federation (Wheare 1964) or a federal state with unitary features (Basu 1985) have died down. Instead, India gets high praise for her method of combining the power-sharing norms of federalism with those of consociationalism (Lijphart 1996), and is included by Watts (1999) in his list of twenty-seven genuine federations of the world (Mitra 2000, 2001a).

24 One can see the wisdom behind the Indian policy when one contrasts this with parallel developments in Pakistan and Ceylon/Sri Lanka during the same period, with the former unable and unwilling to accommodate the Bengali language movement in East Pakistan, leading to the violent end of the federation, and the latter, thanks to the 'Sinhala only policy', which virtually reduced the Tamil minority to second-class citizenship, eventually developed the civil war in which the country is engulfed today.

25 Several case studies of the effectiveness of the linkage function in India's regional arenas can be found in Mitra *et al.* (2004).

26 The politics of coalitions that has replaced Congress hegemony has given a public articulation to the process of the integration of the local and regional for the purpose of launching a new debate on the nature of the nation and for identifying the variable boundaries of the nation and region. In consequence, looking for regional allies has now become an imperative for all national parties.

27 See Shankardass (1988), particularly Chapter 7, which encapsulates the three roles of Sardar Patel, 'negotiator, manager, administrator', acting on behalf of the state as independent India's first Home Minister.

28 Far from being its antithesis, the region has actually emerged as the nursery of the nation. Findings from survey research corroborate this view. In the 1996 National Election Study, more people on the whole evinced a 'great deal of trust' in the local government (39 per cent) than could report 'no trust at all' (23.2 per cent). A similar picture was sustained in the level of trust in state and central governments, but at a scale lower than for the local governments: respectively 37.2 per cent and 35.2 per cent of the electorate reported a great deal of trust in these two levels, compared to the 39 per cent for local governments.

29 Hegel's term for a hidden dynamic or dialectic that sums up the consequences of actions in ways unforeseen by the actors (Hollis 1987: 5). The concept is used here in the dual sense of a clever stratagem as well as an institutional residue, resulting from the egoistic pursuits of actors.

30 Penderel Moon writes: 'For dacoity Hastings had no mercy. The evil had assumed enormous proportions, many of the zamindars were mixed up in it, and Hastings considered it necessary to prescribe draconian penalties. The Muhammadan law was in his opinion inadequate, as it only permitted sentence

of death if robbery was accompanied by actual murder. He persuaded his colleagues that every convicted dacoit should be hanged in his own village, his family made State slaves and the village fined; and that this punishment, when it differed from the sentence passed by the courts, should be superadded to them by an immediate act of Government' ([1947] 1962).

31 Basu explains the comprehensive measures to ensure independence of the judiciary, such as manner of appointment, conditions of work, and protection from interference with the judicial process by both the executive and the legislature (1985: 266).

32 See Mitra and Fischer (2002) for an analysis of the discourse on the controversy over personal law in India. Countervailing powers have produced a process for the formulation of solutions appropriate to the regional and local context.

33 My analysis of the political imperative and developmental need of post-indepdence policy making is based on the insights provided by Drèze and Sen (1995, 1996).

34 Naipaul writes in his *India: A Million Mutinies Now* (1990: 517): '[T]he idea of freedom has gone everywhere in India. Independence was worked for by people more or less at the top; the freedom it brought has worked its way down. People everywhere have ideas now of who they are and what they owe themselves. The process quickened with the economic development that came after independence; what was hidden in 1962, or not easy to see, what perhaps was only in a state of becoming, has become clearer. The liberation of spirit that has come to India could not come as release alone. In India, with its layer below layer of distress and cruelty, it had to come as disturbance. It had to come as rage and revolt. India was now a country of a million little mutinies.'

35 The most radical of them, namely, the principle of universal adult franchise as the basic principle of legitimacy and popular accountability, had been very much in the air at least since the 1937 elections, having already been instituted in Ceylon in the 1931 Donoughmore Constitution.

36 The data are drawn from a sample of 10,000 men and women, representing the Indian electorate, who were interviewed in May–June 1996 in the wake of the parliamentary elections. For the findings of the study, see Mitra and Singh (1999).

37 He defines the functions of states in terms of four specific functions of the state: '*War making* – eliminating or neutralising their own rivals outside the territories in which they have clear and continuous priority as wielders of force; *State making*: eliminating or neutralising their rivals inside those territories; *Protection* – eliminating or neutralising the enemies of their *clients;* and *Extraction* – acquiring the means of carrying out the first three activities – war making, state making, and protection' (Tilly 1985: 169; emphasis added). 'If *protection rackets* represent crime at its smoothest, then war making and state making – quintessential protection rackets with the added advantage of legitimacy – qualify as our largest example of organised crime' (ibid.: 182).

4 The regional context of governance: six analytical narratives

1 The principled position of India as one and indivisible characterises all the mainstream political parties. An all-party resolution of the Lok Sabha in 1995 declared Kashmir to be an integral, and inalienable, part of Indian territory. The initiative and legislative competence for the rearrangement of internal boundaries, creation of new states and renaming of existing units lies very much with the central executive.

2 Self-help, voluntary participation in cooperative endeavours for the common good constitute the canon of social capital (Putnam *et al.* 1993). My intention

here is to draw attention to those grey areas where precisely these decisions to act without the formal consent of lawful authority, whether by an individual or a group, might lead to invasion of public property or encroachment on the rights of a rival group, leading to the breakdown of order, even when the motivation of the actor is altruistic.

3 As Pempel remarks, 'long-term dominance by a single party involves clever tactics of electoral mobilization, ideological positioning, and governance. When blended skilfully, these are mutually reinforcing, which suggests that one-party dominance is an art far more than an inevitability' (1990: 32).

4 Seventh schedule. Maintaining law and order is a prime responsibility. Failure to do so can invite drastic steps from the Union government under article 356. The watchdog is the centre-appointed governor.

5 Death, as we see in the discussion of memory, chosen traumas and violence in Chapter 7, does not necessarily remove actors from the scene of action. 'If men die, they become ancestors, ghosts, demons or heroes' (Michaels 1999: 112). Though local belief systems, like everything else, are subject to long-term change, analysis of the choices of rational actors must take into account the binding and transparent character of ritual in the local context.

6 'The resultant path of institutional change is shaped by (1) the lock-in that comes from the symbiotic relationship between institutions and the organisations that have evolved as a consequence of the incentive structure provided by those institutions and (2) the feedback process by which human beings perceive and react to changes in the opportunity set' (North 1990: 7).

7 'Khalistan terrorist groups, believed to be long defunct, continue to have well-structured networks operating inside Punjab. Someone, it is clear, made payoffs to the jail staff that enabled them to dig a tunnel without interference; others arranged a get-away vehicle outside the jail, their transit to safe-houses outside Punjab, and, possibly, transportation across India's borders' (Praveen Swami, 'Tunnel to "Khalistan"', *Frontline*, 27 February 2004: 31–2).

8 Contrary to the League, which was organising militant students and ulema for the cause from distant parts of India, the best the Congress leadership could summon up was Gandhian homilies and Nehru's magisterial admonition: 'It [the issue of nationality] is, after all, a side issue, and it can have no real meaning in the larger scheme of things.' For a fictional account of the atrocities and the heroic exceptions that gave them added poignancy, see Khuswant Singh's evocative *Train to Pakistan* (1956).

9 Jawaharlal Nehru, Presidential Address to the Lucknow Congress, 12 April 1936 (in Gopal 1975: vol. 7, p. 190).

10 Jinnah said, 'Minorities mean a combination of things. It may be that a minority has a different religion from the other citizens of a country. Their language may be different, their race may be different, their culture may be different, and the combination of all these various elements – religion, culture, race, language, arts, music and so forth makes the minority a separate entity in the State, and that separate entity as an entity wants safeguards. Surely, therefore, we must face this question as a political problem' (Jamil-ud-din Ahmad 1960: vol. 1, pp. 5–6).

11 The overall casualty rate in the Punjab crisis between 1984 and 1994 was 60.8 per cent terrorists, 31.0 per cent civilian, and 8.2 per cent security forces (Singh 1994: 414).

12 Naunidhi Kaur, 'Factional fighting and the fall', Verdict 2004 [Online] http://www.hinduonnet.com (accessed 31 May 2004).

13 The police fired into a violent crowd in Basirhat in the district of 24 Parganas on 16 February 1966. Six demonstrators, including five students, sustained bullet injuries. The next day, several parts of the district witnessed scenes of

violent disturbance as the police fired seven rounds in Swarupnagar in order to disperse a violent crowd. When a student was killed in the police firing, young college students agitated over the student's death and people began to raid markets for food and kerosene oil. On 19 February, students started attacking colleges with the intention of closing them down until the police gave an explanation for the shooting. On 22 February, all educational institutions in West Bengal remained closed while students observed 'martyr's day' throughout the state. When an attempt was made to reopen the schools, mass rioting was the result. Another student was shot and killed by the police in Krishnanagar in Nadia district and all schools remained shut again on 5 March. Thereafter, mob rule prevailed in Nadia for nearly a week. Two policemen were killed, the Krisnanagar morgue was broken into and the body of the dead student was taken out in procession. On 10 March, people from all over the state converged on Calcutta and, forming a procession of protest nearly two miles (three kilometres) long, succeeded in completely paralysing the city and much of the state for the next three days. These three days had been planned by the leftists to be the culmination of the *bandh*, but the people's response took even the most ardent leftist leader by surprise.

14 'The CPI(M) sought to resolve the dilemma by pursuing a two-pronged strategy: keeping the police out of the conflict and, simultaneously, trying to impose the party line on its cadres. The strategy failed. Its local cadres continued to undertake the militant mobilisation which included killing landlords in the name of "revolutionary justice". Because the scope of the "revolution" was limited to a small corner of a giant nation, the results were predictable' (Kohli 1990: 279).

15 Corruption, factionalism and indiscipline among the partymen became the focal issues at the district-level and state-level conferences of the CPI(M), held in late 1997 and mid-1998 respectively (*Statesman*, Calcutta, 21 May 1998: 1).

16 Suhrid Sankar Chattopahyay, 'Rallying against an order', *Frontline*, 24 October 2003: 28–9).

17 The BJP is the only party that has welcomed the order and found support from many eminent industrialists (ibid).

18 The success of the Left Front in getting even more seats than in the previous election and thus showing no evidence of suffering from the incumbency effect is attributed to 'the disenchantment of the urban middle class' with the policies of the NDA coalition at the centre and the Trinamool Congress, its regional ally. 'While the progressive lowering of the interest rate hit the fixed-income groups, the disinvestment of profitable public sector enterprises (PSEs), a large number of them in West Bengal, led to widespread redundancy and retrenchment. Voluntary retirement schemes could offer little solace. On the other hand, the charisma of Chief Minister Buddhadeb Bhattachargee and the Left Front's efforts to win over the Bengali "*Bhadralok*" succeeded' (Suhrid Sankar Chattopadhyay, 'From strength to strength', Verdict 2004 [Online] http://www.hinduonnet.com/ (accessed 31 May 2004). The author concludes: '[T]he performance of the Left Front has proved that it is no longer solely dependent on support from the rural masses. The margins with which it won in the urban areas, especially Kolkata and its suburbs, suggest that the disenchanted lower middle class has returned to its fold. Moreover, the Bengali intelligentsia has realised that to voice its grievances against the policies of disinvestment, liberalisation, low interest rates and market supremacy, the CPI(M)-led United Front would be a much better option than Mamata Banerjee's Nationalist Trinamool Congress (NTC) and an effete Congress.'

19 *Statesman* (Bhubaneswar), 12 April 2004: 6.

20 Arvind Das writes, 'Today the most striking feature of Bihar is violence. There

is violence in the operations of mafias in the coal-mines. There is violence in the Harijan-hunting in Bhojpur, Jehanabad, Patna and Nalanda. . . . Violence claims the headlines when scrap-pickers are pushed to death in the Subarnakha river in affluent Jamshedpur, or when prisoners are blinded in jails. There is violence in trains, buses, streets, homes – in the very air of Bihar' (1992: 72).

21 Bela Bhatia, 'Shabdo's shock', *Frontline*, 27 February 2004: 28–9.

22 Ibid.

23 Thus, Bihari Brahmins are divided into numerous *jatis* such as Saraswats, Kanyakubjas and Maithils, and are found in numerous occupations. Saraswat Brahmins are landholders, wholesale merchants, family priests for large landholders; Kanyakubjas are teachers, priests, cultivators, soldiers, messengers, clerks, accountants, traders and cooks; Maithil Brahmins derive their name from Mithila, which was Janaka's kingdom, the mythical king famous for the traditionally un-Brahmin trait of wielding both the sceptre and the plough. Bhumihars, numerically one of the largest castes in Bihar, claim to be Brahmins who had given up priestly functions to become cultivators and landholders. They are predominantly an agricultural, landowning caste whose occupations cover the whole range from large landholders through all the grades of tenure, occupancy and non-occupancy ryots, down to landless labourers. They were traditionally influential because of both their control over land and their traditional network of strong brotherhoods, which gave them an important voice in villages in which they were found. Rajputs, another large landowning caste, were spread over all parts of the region. Their martial outlook and aggressive temperament made them rivals of Bhumihars at the village level. In most villages of Bihar, local status and power were usually primarily in the hands of either a Bhumihar or a Rajput brotherhood; occasionally it was shared between these. Sometimes power and status were shared with a Muslim zamindar family ensconced in the local Hindu society.

24 In August 1955, a minor dispute between some students and transport workers developed into angry student protests, and the situation became so serious that the police resorted to firing, in which one Bhumihar student died and many were injured. This led to state-wide student agitation, and force had to be used to control the situation. To hold the judicial inquiry into the incident, S.K. Sinha appointed the S.K. Das Commission, who termed the firing unjustified.

25 In 1977, the new government had released many detainees, including veteran criminals whose gangs indulged in various crimes and barbarous treatment of people, creating terror. Some of these criminals were reportedly blinded in Bhagalpur in 1977. Later cases of blinding of several criminals were reported from many police stations of the district in 1980. When it was reported in the press, both national and international, CBI investigations were ordered. Thirty police officers and some members of the public were charge-sheeted, but the blinded criminals were so hated that the public came out in open support of the police on this issue.

26 The Lorik Sena was formed in 1985 when, cutting across party lines, the militant Yadav elements came together to face any threats to the Yadav caste, especially from the Naxalites between April 1985 and July 1987. Lorik Sena, with its superior muscle and firepower, had the upper hand vis-à-vis the Indian People's Front and other left-wing extremist factions. Bhoomi Sena was organised in 1982 by landed farmers mostly belonging to the Kurmi caste, with the avowed object of counteracting the growing Naxalite menace. Like the Kurmis, the Bhumihars of Jahanabad subdivision had organised a Brahmarshi Sena, primarily with a view to neutralising the growing influence and terror of the left extremists. Interestingly, while many of these armed bands engage in terrorising their opponents, pillaging and racketeering, they also bring up issues of

reform and welfare in their 'conferences' (Pushptendra, personal communication, 1999).

27 Venkitesh Ramakrishnan, 'A caste formula that clicks', Verdict 2004 [Online] http://www.hinduonnet.com/ (accessed 31 May 2004). The author continues: 'The results show that the objective of unifying the lower castes and classes has been achieved to a great extent. The RJD [Rashtriya Janata Dal] combine not only rallied the Yadavas under the leadership of Laloo Prasad, but held on to its strong support base among Muslims and added a substantial section of Dalits to its ranks by aligning with Ram Vilas Psawan's LJP [Loktantrik Janata Party]. Paswan belongs to the Dussadh community, which is known to vote en masse according to his political leanings.'

28 On 30 January 1991, President's rule was imposed on the state. This news set violence spreading throughout the state. Public property was burnt and shops remained closed (*Patriot*, February 1991). The National Front and the DMK-led allies called for a Bharat *bandh* against the dismissal on 5 February, when they were arrested in large numbers. The *bandh* was total, with a blast in the railway track and derailment in Andhra Pradesh (*Statesman*, February 1991). They also boycotted the President's address to the joint session of Parliament as a protest against the manner in which the President of India unconstitutionally signed the orders to dismiss a legally elected government in Tamil Nadu (*Times of India*, February 1991).

29 Jaya's birthday was once again an emotional event for her party loyalists and members. They walked on fire (a religious practice in the South) at the Amman Temple complex, Tiruvetriyur, on her forty-seventh birthday (*Times of India*, February 1995). Touched by the criticism she received, she went out of her way and made press statements that her partymen should not visit her with shawls, bouquets and expensive gifts; rather, she preferred not to meet anyone on that day (*Times of India*, February 1995). Jaya was always known for her extravagant lifestyle. The wedding of her foster son (V.N. Sudhakaran) was conducted with a show of opulence. Its decorations were a 20-metre cutout of Jaya, fancy lighting along the roads, etc. A lakh and half people turned up for the event, which was supposed to have cost them a hundred crore rupees. *The Times* (London) reported it as the wedding of the century (*Times of India*, September 1995).

30 The Dravida Kazagham (DK, Dravida Federation) was formed in 1944. Its main aim was the achievement of a sovereign independent Dravidian Republic. The Dravida Munnetra Kazagham (DMK) was formed in 1949 (Hardgrave 1965; Ross Barnett 1976).

31 C. Rajagopalachari (Rajaji) was the Chief Minister of Tamil Nadu from 1952 to 1954. His caste-based education system was schemed to enable the children to attend school for half the day and work the rest of the day at their father's occupation. The purpose of such a system as he saw it was to let all the children acquire a minimal primary education. Thus, activists like E.V. Ramaswami Naicker linked their criticism of Rajaji to the Varnashram Dharma system, since he was a Brahmin himself.

32 E.V. Ramaswami Naicker or Periyar, 'the essential one', was born in 1879. He was particularly opposed to the Hindu system of religion and caste, and fought against it with his Self-Respect Movement. He joined the Justice Party and helped with the founding of the Dravida Kazagham, drawing support away from the former. His involvement in the anti-Hindi agitations and his rationalistic attack on existing social evils were well known. But with time, his method started being perceived as being crude and vulgar. The younger activists in the DK, headed by C.N. Annadurai, formed the DMK. Periyar was mostly concerned with the issue of Dravidian identity, and during the later days his Kazagham became basically a social reform movement and ceased to have any political involvement.

33 Tamilisation of the Kamaraj ministry can be best explained in the words of Hardgrave: ‘Kamaraj is a man of the people. He speaks almost entirely in Tamil and his powerful political machine is rooted in the soil of traditional loyalties and primordial identification’ (1965: 44).

34 In the state of Madras, *pannaiyal* referred to agricultural workers who were known as the Adi-Dravidas and classified as scheduled castes. They had a traditional relationship of dependency with the landlords, resembling semi-feudal master–servant bonds. This interaction was often exploited by the landlords, who delivered the votes of their agricultural labourers.

35 The Self Respect Movement was officially launched through the Self Respect League, formed in 1925. Its militant tone was set by Periyar. He led the movement against the existing beliefs and practices of the Hindu social order such as the caste system, child marriage and Brahminic hegemony.

36 This marked the first, memorable, legitimate presence of Tamil nationalism in the public sphere, where thousands lined up to hear the famous DMK orator C.N. Annadurai (Ross Barnett 1976: 121).

37 *Keesings Contemporary Archives*, 17–24 April 1965.

38 The bill proposed that ‘notwithstanding the expiration of fifteen years of the commencement of the constitution, the English language may, as from the appointed day [i.e. 26 January 1965], continue to be used, in addition to Hindi (a) for all the official purposes of the union for which it was being used immediately before that day (b) for the transaction of the business of parliament.’

39 The ‘Tamil Sena’ (Tamil Army) was modelled after the Shiv Sena, an organisation found in Maharashtra that was meant to protect the state from encroaching foreigners, especially south Indians.

40 A Self Respect Marriage is conducted between any two Hindus of different castes in the presence of friends, relatives or other persons. This form of marriage was encouraged as a means of enabling an inter-caste marriage devoid of rituals and other monetary aspects.

41 On 21 September 1981, the AIADMK promulgated an ordinance to check ‘indecent writings’ in the press. The ordinance also amended the criminal procedure code to make it an offence under section 292-A, cognisable, non-bailable and triable by any magistrate. This was also passed as a law in the assembly in February 1982. This ordinance gave ample power to the state, and was used by the AIADMK to attack dailies and periodicals which were against it and spare the pro-AIADMK journalists and publishers (*New Age*, 24 July 1983).

42 The AIADMK government introduced its most populist scheme, the Chief Minister’s Nutritious Noon Meal Scheme, on 1 July 1982.

43 The publicity campaigns were strategically carried out. One showed the Chief Minister fondling and feeding a polio-afflicted child with a morsel of the government’s noon meal. The narrator went on to say that the child was cured of polio after consuming the Chief Minister’s nutritious meal for a few days and was then able to walk (*Statesman*, 31 October 1987). The most significant issue of the scheme was that it was projected as an extension of the Chief Minister M.G.R.’s personal charity (Pandian 1992: 104).

44 The narrative refers to the challenge by dismissed state government employees to the orders of the three-judge panel, constituted to review their cases and the constitutional validity of the Tamil Nadu Essential Services Maintenance Act (S. Viswanathan, ‘Challenging TESMA’, *Frontline*, 27 February 2004: 26–7).

45 As early as 1891, an editorial in *Kesari* (17 November) observed that Marathi-speaking people in various provinces and princely states were being discriminated against, and put forward the idea of a contiguous Marathi-speaking province. During Tilak’s incarceration in Mandalay (1908–14), N.C. Kelkar

became the editor of *Kesari*, and often made a strong plea for the unification of Marathi-speaking areas of Bombay, Central Provinces and Berar. Vithal Vaman Tamhankar, in an article titled 'Three Divisions of Maharashtra' (1917), referred to the unification of Marathi-speaking people of Bombay, Central Provinces, Berar, Hyderabad and Goa. In the 1920s, Vinoba Bhave and D.R. Gadgil joined the supporters of Maharashtra.

46 In the assembly elections, the SMS captured 131 seats as against Congress's 136, out of a total of 267. In the Lok Sabha elections, the SMS captured 22 seats and the Congress 19, out of a total of 41. The verdict represented an increasing threat to Congress dominance in the state. Congress faced a similar fate in the Bombay municipal elections (1957), where it was outnumbered by the SMS.

47 The pragmatism one notices in Maharashtra's elite discourse has been summed up as follows: 'If it works, it cannot be so bad after all' (Bibhu Mahapatra, personal communication, 1999).

48 The Shivaji myth is so deep-rooted that any adverse comment on his person is considered sacrilegious. The Shivaji cult has been nurtured by all political parties and by A.R. Antulay, the only Muslim Chief Minister of the state. In order to prove his commitment, he even rushed to London in 1981 to bring back Shivaji´s Bhavani Sword, though most experts proclaimed the sword in the British Museum not to have been Shivaji's. Shivaji's picture adorns the walls of all public and private institutions along with Gandhi, Nehru and Tilak, and the Chief Minister goes to Raigad to garland his Samadhi every year for his birthday, which is, of course, officially celebrated.

49 In 1980 there were widespread riots in which several people were killed and a government dismissed over the issue of naming Marathwada's university. The Dalits demanded that it be named after Ambedkar while the Marathas and Brahmins opposed their demand.

50 The speeches and writings of the Dalit Panther leaders are full of venom for Brahmins, who stand at the apex of the caste hierarchy. Some years back, a Marathi play, *Ghashiram Kotwal* (named after the police chief in charge of Pune during the later Peshwa rule), was staged in Pune. The play depicts the moral degeneration of the Brahmin community during the period of Peshwa rule. The Brahmins in Pune vehemently protested against the play and demanded a ban on it. The Dalit Panthers on the other hand issued a pamphlet upholding the play (*Ghashiram* (in Marathi), published by Dalit Panthers, Bombay, undated).

51 The Dalit Panthers emerged by way of a reaction to the social boycott of the scheduled castes in a village named Bawada in 1972. It was during that year that it declared itself a political organisation, the general nature of which was explained in the form of a manifesto. Though it claimed to have emerged in other states such as Gujarat, Maharashtra appears to be the only state where its presence is felt.

52 The Dalit Panthers were in the forefront of the movement to rename Marathwada University after Ambedkar. In early 1978, the Maharashtra legislature (both assembly and council) passed a unanimous resolution in favour of renaming the university the 'Dr. Ambedkar Marathwada University'. The university has a large percentage of scheduled caste students, estimated at 30 per cent of the total strength. This high percentage is due to the existence of an educational complex of schools and colleges under the auspices of the Siddhart Education Society, established by Ambedkar for the education of people belonging to scheduled castes in Aurangabad, the seat of the university. This body of students is highly politicised, like the other, rival body of caste Hindu students.

53 Anupama Katakam, 'Fees and Frustration', *Frontline*, 10 October 1993: 41–2.

54 Jaffrelot relativises the image of Gujarat as a violent state by drawing attention

to the contextually specific character of the 'exeptional intensity' of the post-Godhra riots of 2002: '[T]his time, communal violence was not so much a reflection of the common logic of communal riots in India, but rather the result of an organised pogrom with the approval of the State acting not only with the electoral agenda in mind, but also in view of a veritable ethnic cleansing. Beyond that, the intensity of the riots has also demonstrated that this kind of violence has triggered a feedback in society even among groups so far less inclined to ethnic nationalism like, for example, the tribals. But there is an effect of yet another political strategy at work, which reminds us of the ideological core of our explanatory model: the more and more thorough diffusion of Hindutva in reaction to a fear of Jihad.'

55 Praveen Swami, 'Gujarat: A Circle of Hate', *Frontline*, 24 October 2004: 35–40.

56 Details in Sanghavi (1996: 97–100, 111, 124–5, 132, 144–7). Also see Patel (1990).

57 The compromise between the government and the agitators to cancel the proposed increase in reservations for backward classes until a national consensus was reached established both the efficacy of agitation as a form of politics, and the ambivalence of the upper social strata of Gujarat towards institutional politics (Parekh and Mitra 1990: 98).

58 The CPDR report on the 1981 riots documented many instances when the police either stood by as the powerful Patels wreaked havoc on the scheduled castes, or, worse, assisted the Patels in such violence (CPDR 1981). For further details, see Joshi (1986: 74–5) and Desai (1985: 131–2).

59 *India Today*, 15 August 1985: 32.

60 One of the reasons for this lackadaisical attitude on the part of the police, we learn from a retired police officer who has seen action from close quarters, was that the 'entire police force of Ahmedabad had been corrupted to an abysmal degree and often operated hand-in-glove with the trouble-makers themselves' (Rajgopal 1987: 103, 107).

61 Ibid., pp. 171, 178.

62 In the days that followed, as many as 300 people are said to have been killed in this city, with 95 per cent of the victims being Muslims. Most of the incidents involved brute savagery and senseless massacre of men, women and even children. About thirty women were brutally raped, some of them being chopped to pieces thereafter. Men were sometimes thrown alive into fires and helpless children swung against rocks to smash their skulls. From the economic perspective, about twenty industries were looted and burned, and more than a thousand houses and shops damaged. Most of these again belonged to Muslims, who were consequently rendered homeless and bankrupt. See Bonner *et al.* (1994: 138–42) and also Gopal (1991).

63 Based on reports in the *Indian Express*, 29 September 1997 and from the website: www.rediff.com/news/1998/feb/04guj1.htm.

64 The happenings in Gujarat led to the Thirty-third Constitutional Amendment of 1974, which empowered Speakers not to accept resignations submitted under duress.

65 Following the 'as if' principle of Milton Friedman, one can argue that the expert billiard player does not necessarily excel at trigonometry; but some knowledge of trigonometry might help in understanding his or her moves.

5 Policing and strategic reform: culture, context and welfare in the organisation of order

1 'Words like *Polizei*, police, and policy, etymologists never tire of telling us, derive from the Greek conception of the *polis* – or more precisely *politeia*, the

governance of a city. The word police did not lose its general meaning of provision for the public welfare until the emergence of specialized anticrowd and anticriminal forces during the nineteenth century. Up to that time, surveillance of public health, supervision of markets, provision for public order, and a wide range of other activities directly concerning the safe survival of the population not only hung together in European thinking, but fell into the jurisdiction of the same officials' (Tilly 1975b: 440–1).

2 Police Enquiry Commission Reports (Delhi, Home Ministry, various years).

3 The faded British aura of the regimental mess and disciplined rows of freshly painted flowerpots that adorn the headquarters are a far cry from the scenes of action in the districts and localities. The narratives that follow capture some of this variance in policing and governance across regions and levels.

4 The recent killing of Veerappan, the well-known poacher and kidnapper who had eluded the police for twenty years, has been attributed to 'an extra-ordinary intelligence operation' and coordinated efforts 'meticulously planned' by the Special Task Force consisting of officers from Karnataka and Tamil Nadu (*The Hindu* [Online] http://www.hindu.com/thehindu/holnus/000200410191601 (accessed on 19 October 2004)).

5 The first police forces were organised in the eighteenth century, making them an integral part of the modern state. The functional role of policing and order is much older in its origin. See the interesting accounts in Kautilya (1987) of covert operations and the maintenance of law and justice in classical India.

6 '*Ultima ratio regum*' (The last argument of kings is war – the motto engraved on the cannons of Louis XIV, later taken up by the Prussian king Friedrich II.

7 The police were a useful bridge between the subject and the authority of the king. 'Religious heritage in European countries thus appears to have been an important factor in police development: it has encouraged police intrusion into political life if religious conflict challenged formation of a nation and if religious tradition sanctioned surveillance for the purpose of achieving right belief' (Bayley 1975: 363). Bayley cites an example from the European Inquisition: 'Where the Inquisition was strong, there police forces active in politics are to be found from an early time. This is certainly the case in France; my impression is that it is also true of Spain. The French word for spy – "mouchard" – is taken from Antoine di Mouchi who was a theologian of the University of Paris appointed by Francis I to prosecute Protestants. He was extremely efficient, sending many people to the stake, and he flooded Paris with spies and informers' (Bayley 1975: 363).

8 The expression 'indulgence and abundance' (Greenough 1982) draws attention to a uniquely cultural model of order.

9 Raynal (1969: 437–8), quoted in Greenough (1983: 847).

10 E.P. Thompson describes Abbé Raynal as the 'excitable' Frenchman (1991: 348) and the contrast of the enraged Western looters with the submissive and passive Easterners as a 'rigging of the evidence' which 'devalues the comparative study' of Greenough.

11 'Leader–follower relationships within a moral community have a degree of hardness and calculation of self-interest: when the relationship crosses the boundary of the moral community, wariness hardens into suspicion and double-dealing. Within the moral community the peasant understands the range of possible action; within limits, he knows what his opponent will do, because he and his opponent (whether leader or follower) share certain basic values; furthermore the relationship is seen to be regulated by councils or panchayats or superior leaders. But outside the moral community none of these controls apply: official action is unpredictable; values are not shared; and adjudicative institutions like courts of law, are not part of the peasant moral community but

are regarded as instruments or weapons to be used in the contest' (Bailey 1971: 307).

12 'The fear of food shortages has, in most precapitalist peasant societies, given rise to what might appropriately be termed a "subsistence ethic". This ethic, which Southeast Asian peasants shared with their counterparts in nineteenth century France, Russia and Italy, was a consequence of living so close to the margin. A bad crop would not only mean short rations; the price of eating might be the humiliation of an onerous dependence or the sale of some land or livestock which reduced the odds of achieving an adequate subsistence the following year. . . . The amount of rice a family could produce was partly in the hands of fate, but the local tradition of seed varieties, planting techniques and timing was designed over centuries of trial and error to produce the most stable and reliable yield possible under the circumstances. These were the technical arrangements evolved by the peasantry to iron out the "ripples that might drown a man". Many social arrangements served the same purpose. Patterns of reciprocity, forced generosity, communal land, and work-sharing helped to even out the inevitable troughs in a family's resources which might otherwise have thrown them below subsistence. The proven value of these techniques and social patterns is perhaps what has given peasants a Brechtian tenacity in the face of agronomists and social workers who come from the capital to improve them' (Scott 1976: 2–3).

13 Thompson (1991: 265) quoting from W.H. Hunter, *The Annals of Rural Bengal* (1883), pp. 26–7.

14 See Chapter 7 for the discussion of post-Partition riots in Anita Inder Singh (1987) and Suranjan Das (1993), the memories of Partition in Kakar (1995), religious violence in sixteenth-century France in Davis (1973) and the survival of events of this kind in the realms of memory (Nora 1992).

15 For European illustrations of the taming of the crowd and creation of order through the creation of the citizen, see Tilly (1975a) and Schama (1989), particularly the chapter entitled 'The cultural construction of a citizen', pp. 123–74.

16 Rampaging crowds, criminal activists taking the law in their own hands, corrupt state machinery and ineffectual government on a scale familiar to parts of India were not altogether unknown in England not much more than two centuries ago. Benjamin Franklin, the London agent for the State of Pennsylvania in 1769, reported that within a year, he had witnessed 'riots in the country about corn: riots about elections; riots about work-houses; riots about colliers; riots of weavers; riots of coal-heavers; riots of sawyers; riots of chairmen; riots of smugglers in which custom-house officers and excise men have been murdered and the king's armed vessels and troops fired at'. If Franklin were to look for examples of other disorderly instances, he would have noticed 'riots against turnpikes, enclosures and high food prices, against Roman Catholics, the Irish and the Dissenters, against the naturalisation of the Jews, the impeachment of politicians, press gangs, "crimp" houses and the Militia Act, against theatre prices, foreign actors, pimps, bawdy houses, surgeons, French footmen and ale-house keepers, against the gibbets in the Edgware Road and public whippings, against the imprisonment of London's chief magistrates, against the Excise, against the Cider Tax and the Shops Tax, against workhouses and industrial employers, against the rumoured destruction of cathedral spires, even against a change in the calendar' (Gilmour 1992: 16).

17 Thus, an Act passed in 1780 to give some minor relief to Roman Catholics provoked violent reactions from Protestant zealots. Prisons and Catholic chapels were burnt to the ground; the houses of politicians and judges were attacked; distilleries and shops were plundered. One mob attacked Downing Street; another mounted an assault upon the Bank. King George III, on the Attorney-

General's advice, eventually authorised army officers to open fire on the mob without the intervention of a magistrate. By nightfall on the last day of the violence, almost a thousand people had lost their lives – the 'Gordon Riots'; see Gilmour (1992: 353–6).

18 During famine conditions in western India in 1812, the judge and magistrate of Kaira in Gujarat had 'urged the government to intervene by importing grain and selling it to retailers at little over its cost price. The proposal was rejected' and the magistrate was instructed not to interfere with the laws of supply and demand. 'Similar homilies were expressed in orders of the Madras Government in 1833 which argued that high prices constitute the best security against famine' (Thompson 1991: 280).

19 The British-established telegraph and the British-improvised 'runner' were to play a crucial role in the continuation of their rule. 'The quality of military and political intelligence available to European colonial powers was evidently a critical determinant of their success in conquest and profitable governance. Equally this information provided the raw material on which Europeans drew when they tried to understand the politics, economic activities and culture of their indigenous subjects' (Bayly 1996: 1).

20 '[I]n spite of local variations, by the 1860s, most district superintendents of police had effective systems of spies and informers which they used to contain urban robberies, grain riots and outbreaks of sectarian violence during festivals. Magistrates took care to enlist propertied men into the new system of honorary magistracies because wealthy people, especially the trading classes, had generally sided with the British or at least hedged their bets in 1857. Officials had come to believe that pre-Rebellion government had been too official in character; now they regularly consulted "natural leaders of the people" in local durbars and on expanded municipal boards' (Bayly 1996: 339). Bayly refers here to McGinn (1993).

21 Gazette Notification, 1 January 1936. Cited in Griffiths (1971: 1–2).

22 The Home Ministry of India, as one might infer from *Crime in India*, its main publication of the subject, continues to compile diligent and reasonably reliable statistics on riots, murders and other forms of criminality. In order to check the reliability of the reporting in *Crime in India* with regard to murder, two separate teams were assigned the task of comparing the number of murders in Gujarat and Punjab over a two-year period with that recorded by *Crime in India*. The figures that the research teams came up with were in the vicinity of the figures reported in *Crime in India*.

23 However, there are state Acts that give police special powers, and Acts that establish special security forces (often army units) that act like *de facto* police units.

24 Domestic peacekeeping is not popular with the army brass but the state and sections of the population are increasingly dependent on it. Elections today, for example, would be difficult to conduct without the deployment of central reserve police, or even the army.

25 'Incidents of police "atrocities" are frequently reported by the Indian media and allegations of torture and corruption keep alive an image of the police force that was born during or even before the time of colonial rule' (Krishna 2002: 134). Paul Brass, in his report of a criminal incident in Uttar Pradesh, narrates how the conduct of the police 'reveals the local police in a characteristic mode – implicated directly in local conflicts, open to bribery, [and] capable of loot and harassment of innocent persons' (1997: 331). Also see the testimony of India's secret service in N.K. Singh (1996).

26 Rajgopal, with a long and distinguished career as a guardian of the law, recognises that perception by the parties to a conflict of the capacity and will of the

state to keep order plays a decisive role in the outbreak of violence. With so many unknowns in the equation, Rajgopal acknowledges 'there is not much scope for formulating what in effect is an irrational impulsive aggressiveness within the confines of a neat sociological theory' (1987: 21).

27 Out of twelve police constables in a rural police station, in terms of real availability, according to Krishna's calculations, 'there are between one and three policemen on the average, for patrolling, investigating, and controlling crimes in an area that may serve up to a hundred thousand people' (2002: 133).

28 GOVERNANCE IN INDIA: ELITE QUESTIONNAIRE (1999) State: Bihar Interview no. 17. The respondent, aged 54, was a male Hindu belonging to a backward caste. He came to the IAS through the Bihar Civil Service, and put in 26 years in administrative service.

29 The respondent, Suresh Khopade (male Maratha Hindu, then aged 47), had joined the Indian Police Service in 1978. He worked as Superintendent of Police in Dhule, Nanded, Bhiwandi, Nasik and is recipient of two President's Police Medals and writer of two books named, respectively, *Bhiwandi Riot 1984* and *Daku Ram Shyam*. Innovator of the Bhiwandi experiment. At the time of the interview (1999), he was Commandant, Central Reserve Police Force, Group I, Pune. Khopade's overall rating of the agencies of governance with regard to policing in our survey was 'moderately good', though he thought that politicians made unreasonable demands 'very frequently'. The latter is understandable in view of his diagnosis of the problems of governance in the region which he described as 'widespread corruption', 'communalization . . . everywhere [on the lines of] caste, religion', 'deterioration of the quality of political leadership (Chavan was a good CM [Chief Minister], as were Naik and Pawar. However, deterioration set in with Antulay and BabaSaheb Bhonsle)'. His preferred solution to the problems of governance was 'more transparency', an answer whose true import came across once we began talking about the Bhiwandi 'experiment', which he told us, was 'well known'.

30 'The fact of such human combustibility has to be viewed and understood in the context of the several factors which make the people of the area communally sensitive to the slightest catalyst which may appear on the scene. But treating the catalyst as the main cause would be to misunderstand the entire psychology of the rioters and the real causes behind the riots. Every riot has to be treated as an event in search of a meaning and significance' (Rajgopal 1987: 23).

31 There is, as a matter of fact, room to manoeuvre in every society, for it is difficult to imagine a situation where the writ of one person might run so effectively that no consultation or participation is needed. As Scott shows in his *Weapons of the Weak* (1985), in most situations the formally powerless have a range of techniques through which to bring pressure to bear on the decision makers. But the real scope of participation might vary radically from one political system to another depending on the constitutional structure that underpins it, the values and norms of the society, the nature of group consciousness and the organisation of the groups in society.

32 Rudolph and Rudolph (1987) refer to the phenomenon as demand groups. The room to manoeuvre of the Indian state consists in its ability to transform dyadic conflicts between capital and labour, landowners and agricultural workers, neighbouring regions and localities, students and teachers, teachers and universities, and so on into triadic transactions where the state becomes the arbitrator and the initiator of negotiations.

33 Jawaharlal Nehru's speech at the Constituent Assembly, New Delhi, on 14 August 1947. See Gopal (1983: 76–7) and Drèze and Sen (1995: 1).

34 Granville Austin (1966) gives an excellent introduction to the process of consti-

tution making as a result of compromise, the elusive search for consensus and the necessary accommodation of contradictions.

35 The challenging twin-ness of poverty and democracy was the main thrust of Moore's (1966) pessimistic reading of the Indian situation. In comparison, a more optimistic case for the effectiveness of democratic intervention for the removal of mass poverty has been made by Drèze and Sen (1995) and Lewis (1995). Right from the outset, a range of policies aimed at the eradication of mass poverty have been designed by the government and left to be implemented by a sprawling central, state and local bureaucracy. Regional experiences, as we see in Chapter 4, are widely divergent.

6 The agency of public institutions: leaders, administrators and governance

1 These sensational views of orderly rule have polarised opinion within the United States, between the American government and international opinion, and between the 'West and the rest' (Huntington 1996). This chapter, which joins this debate, argues that the failure of mediation between state and society affects governance negatively, without, however, denying the fact that external agents might also play a role in domestic governance.

2 J.G. Farrell, in *The Siege of Krishnapur* (1973: 11–12), uses the literary device of the distribution of chapatis as a native signalling system to depict a powerfully evocative image of Indian society, outwardly submissive but seething with rebelliousness just under the surface, on the eve of the Mutiny: 'The first sign of trouble at Krishnapur came with a mysterious distribution of chapatis, made of coarse flour and about the size and thickness of a biscuit; towards the end of February 1857, they swept the countryside like an epidemic'.

'One evening, in the room he used as a study the Collector, Mr Hopkins, opened a dispatch box and, instead of the documents he had expected, found four chapatis. After a moment's surprise and annoyance he called the khansamah, an elderly man who had been in his service for several years and whom he trusted. He showed him the open dispatch box and the chapatis inside. The khansamah's normally impassive face displayed shock.... The following afternoon, however, he found four more chapatis. This time they were not in his study but on the desk in his office, neatly arranged beside some papers. Though there was still nothing very menacing about them, as soon as he saw them he knew beyond doubt that there was going to be trouble.'

3 The '20-point programme' that underpinned the authoritarian regime of Indira Gandhi's Emergency rule (1975–7) attempted to generate order through such a combination of restriction of civil liberties and social and economic reform.

4 See Dhar (2000) for an account of the policies undertaken during this period and their implication for governance. To judge from the results of the 1977 parliamentary elections that followed the Emergency, the twin-track strategy of the Emergency regime does not appear to have generated much support for the Congress Party, which failed to win a single seat in north India.

5 See Shah (1977) for a comparative analysis of collective protest in Gujarat and Bihar that preceded the imposition of the Emergency of 1975. Scott (1985) and Mitra (1991a) explain culturally adapted and politically effective forms of 'everyday' protest that locate themselves at the margins of institutional politics.

6 With delectable indiscretion, T.S.R. Subramanian recounts his conversation with the Chief Secretary, Mr K.K. Dass, a senior member of the ICS and his mentor during the early years of his induction into the Indian Administrative Service. 'Dass offered me a cigarette in his chambers, gave me a cup of tea and along with it some advice. He told me, "It is O.K. if you sleep with *gramsevikas*

[female village-level workers] – but do it discreetly! However, under any circumstances, if you fail to maintain law and order, I will finish you off. Ghazipur is a backward and difficult district, but you have a chance to make a useful contribution"' (Subramanian 2004: 34). The narrative shows the importance attached to law and order and civil service–police cooperation by the colonial government and the first generation of senior civil servants of post-independence India.

7 On the role of the political in providing a higher level of integration for the myriad forces that account for governance, see Mouffe (1993), Stavrakakis (1999) and Currie (2001). For a brilliant analysis of the consequences of this hiatus, see Schama (1989).

8 The literature on the mediating role of public institutions with regard to governance is wide-ranging. See Inden (1990) on agency, Aristotle ([1962] 1992), Rousseau ([1762] 1994) and Tocqueville ([1835, 1840] 1998) on association, Huntington (1968) and Kothari (1988) on participation, and Foucault (1991) on discourse.

9 Putnam *et al.* define social capital as 'features of social organization such as networks, norms and social trust that facilitate co-operation for mutual benefit' (1993: 67). For many scholars, but particularly in the more practical circles of international agencies, social capital is seen as the only effective basis of community, development and order.

10 The importance and causal precedence of the political system and process for social relations and governance is vigorously argued by Edward and Foley (1998: 128), Levi (1996: 50–1) and Tarrow (1996: 394–5). Krishna, questioning the causal relationship of social capital and governance, summarises their arguments: 'Instead of social capital explaining institutional performance . . . institutions are invoked to explain social capital' (2002: 19).

11 Table 5.1 lists public institutions whose active intervention is crucial to governance and provides a rank order to show their relative importance for governance.

12 Krishna offers a compromise position on the issue of social capital and agency with regard to governance: 'Collective action in support of shared goals is more likely where social capital is high. However, effective collective action and superior goal performance are achieved only where – in addition to high social capital – capable agents are also available. The new non-caste-based political entrepreneurs activate the stock of social capital for achieving the benefits related to economic development and participation in democracy. Another set of agents, the traditional and hereditary heads of village groups, make social capital productive for the purpose of community peace. In the absence of such capable agents, social capital remains a latent resource, an unrealized potential for mutually beneficial collective action. Agency helps to make social capital active. Investing in the stock of social capital is unlikely to be very productive unless steps are taken at the same time to enhance agency capacity' (2002: xi).

13 See Mitra (1992) for a comparative study of Indian states with regard to the role of a 'responsive state' that influences local elite strategies.

14 Varshney (2002) argues this forcefully. But also see Rae and Taylor (1970), earlier advocates of this argument, and Anita Inder Singh (1987) for the limitations of this argument.

15 With regard to agency, as indeed in all cases when the respondent is required to rank-order a number of items, I have sought to avoid response sets by simply presenting the interviewee with a card listing all the themes that need to be evaluated individually, but, implicitly, also compared with another. The precaution arises from the the ultimate objective of the exercise, which is not only to elicit responses of the actors to specific items, but also to recover their general

understanding of the landscape of agency, one that connects possible agents in a ranking specific to each person.

16 The need for multiple agency and the imperative for their cooperation have been recognised in one of the core policy documents to emerge from international agencies. ‘Participatory development stands for a partnership which is built upon the basis of a dialogue among the various actors (stakeholders), during which the agenda is set jointly, and local views and indigenous knowledge are deliberately sought and respected. This involves negotiations rather than the dominance of an externally set project agenda. Thus people become actors instead of being simply beneficiaries’ (OECD 1997: 88).

17 Interview, Chennai, 1999. The respondent, Mr S. Ramachandran, belonged to the DMK and was, at the time of the interview, chairman of the Estimates Committee.

18 This was Ramachandran’s response (ibid.) to the open-ended question ‘*Could you please tell us something which involved a challenge to governance? Was it resolved successfully?*’

19 The academic prognosis on this point is contradictory, with Huntington (1968) firmly on the negative side, Kohli (1991) alerting us to the possibility of ‘over-politicisation’ and Kothari (1988) coming across as a no-holds-barred democrat, if not a populist.

20 Kohli is particularly good for an analysis of the role of the Communist Party of India and the Left Front in the transformation of West Bengal’s decade of chaos into orderly rule. For the general literature on political parties of South Asia as instruments of linkage and indigenisation, see Mitra *et al.* (2004).

21 For a detailed comparative study of the evolution of South Asian parties, see Mitra *et al.* (2004).

22 A multiple regression of the combined index of murder and riots per million inhabitants with electoral turnout and fractionalisation of the party system produces no significant relationship with participation but a beta of 0.25 with fractionalisation, significant at 0.05, though the explanatory power of the model as a whole is low, with a corrected R^2 of 0.03 and an F value of 1.9, indicating a weak statistical relation that is not significant at 0.05.

23 ‘Every new want’, Alexis de Tocqueville notes, ‘revolves around the notion of public association: the art of association then becomes the mother of all actions, studied and applied by all’ ([1835, 1840] 1998: 226). Among other authors who see an instrumental role for civic engagement and public participation in the quality of life, one should mention Doyal and Gough (1991), Nussbaum and Sen (1993) and Putnam *et al.* (1993).

24 The Left Front – in particular, the CPI(M) – in West Bengal is highly stable and secure in the countryside and in most urban areas. In the countryside as well as in the urban areas, this is amply confirmed by the panchayat and municipal elections.

25 Mr S. Ramachandran, the DMK leader and chairman of the Tamil Nadu Estimates Committee, whose innovative administrative initiative is referred to earlier in this chapter, refers to the decline of governance in his state in terms of the rise of nepotism and corruption, leading to the loss of the restraining force of countervailing forces within the institutional structure. ‘[Political parties are] not functioning in the way they are expected to function. Three prerequisites: philosophy, leadership, organisation … are now replaced in Tamil Nadu by something like a proprietorship company revolving around a single leadership’ (interview, Chennai, 1999).

26 A news item under the headline ‘Sergeant Sen is dead’ (*Statesman Weekly*, Kolkata, 11 January 2003: 1) reports, ‘Traffic sergeant Bapi Sen was declared dead around 6.30 a.m. today at Calcutta Midecan Research Institute. Sen was

beaten up by some Reserve force constables on New Year's eve while trying to prevent them from molesting a woman.' Under the headline 'Police have become CPM cadre', it further reports, 'IPS officials in the city are . . . blaming the ruling party squarely for the "degeneration" lack of professionalism and vandalism in the police ranks.' 'The CPI-M has turned the police into its cadres. They have instilled hooliganism in the force – so that the police can be used according to the party's needs, and nothing more,' said an IPS officer with Kolkata Police (p. 13).

27 An editorial in the *Statesman Weekly*, 'Mayhem in Bihar: Shockwaves from a fake encounter' (11 January 2003: 8), draws attention to the killings, the nonchalance of the government regarding the incident and the political opportunism of the opposition parties, which have incited further violence on the basis of this incident. Also, refer to the narrative of Shabdo in Chapter 4 (p. 183).

28 Corruption, factionalism and lack of discipline among the party members became the focal issues at the district-level and state-level conferences of the CPI(M), held in late 1997 and mid-1998. The Calcutta District Committee of the CPI(M) has criticised the functioning of the police and other departments of the Left Front government (*Statesman*, Calcutta, 21 May 1998: 1).

29 On the basis of his critical examination of the social upheaval before, during and after the French Revolution, Simon Schama (1989: 906) asserts the complementarity of institutions and the revolutionary myth as the only enduring basis for orderly rule and the foundation of a cohesive political community.

7 Modern state, pre-modern identities: culture and governance in changing societies

1 The textbook controversy has continued to be a source of deep division between the major political formations of India and has featured prominently during the rule of the BJP-dominated NDA coalition.

2 One looks in vain for discussion of the relationship between cultural difference and problems of governance in the major textbooks on the subject such as March and Olson (1995), Freeman (1984), Kooiman (2003) and Rhodes (2001).

3 But not in Germany, where the theme of a *Leitkultur* still divides opinion deeply.

4 Indian Muslim Alert Network – a division of the Indian Muslim Council (IMC-USA), 'How Has the Gujarat Massacre Affected Minority Women: The Survivors Speak' [Online] http://www.imannet.com/articles/survivorspeak.html (accessed April 2002).

5 On the basis of work by Gallie (1955–6), Cox *et al.* (1985: 30) attribute a number of characteristics (italicised in the following arguments) to essentially contested concepts. Thus, I argue that 'communalism' is *appraisive* in the sense that it is presented as a core value of the Indian civilisation; *internally complex*, for it indicates an ensemble of factors rather than a single phenomenon; is capable of being *variously described* in terms of style and strategy; its empirical specification *changes in time*; different groups use it in *different ways* and *defend their usage against other definitions*; it is developed from the *original exemplar* of Nehru, which has survived sustained debate; and finally, there is no way of *testing* empirically which of the many meanings attributed to it is the right one.

6 See the two essays by Peter Bachrach and Morton Baratz (1962, 1963) for the process through which dominant social groups succeed in keeping some issues off the agenda, at least for a while.

7 The definition of religious riots by Natalie Davis is important for our purpose.

Davis defines religious riots as 'any violent action with words or weapons, undertaken against religious targets by people who are not acting *officially and formally* as agents of political and ecclesiastical authority. As food rioters bring their moral indignation to bear upon the state or the grain market, so religious rioting brings their zeal to bear upon the state of men's relations to the sacred' (1973: 52; emphasis in original).

8 Elias Canetti (1973) explains crowd formation in terms of the loss of self and its recovery as part of a mass. 'The sense of togetherness of a crowd that pulverises notions of both political control and exclusive individual space and thereby creates an inchoate mass' (Mitra 1995b: 220). In a crowd, 'no distinction counts, not even that of sex . . . [where] each individual seeks to rid himself as completely as possible of the fear of being touched' (Canetti 1973: 3).

9 'The term "chosen trauma" refers to an event which causes a community to feel helpless and victimized by another and whose mental representation becomes embedded in the group's collective identity. Chosen trauma does not mean that either the Hindus or the Muslims chose to become victims but only that they have "chosen" to mythologize, psychologically internalize, and thus, constantly dwell upon a particular event from their history. A chosen trauma is reactivated again and again to strengthen a group's cohesiveness through "memories" of its persecution, victimization, and yet its eventual survival' (Kakar 1995: 63). The pillage of the Somnath temple, according to Kakar, is the kind of chosen trauma that the destruction of the Babri Masjid is in the process of becoming for Muslims.

10 Interview, Suresh Khopade, Pune (see p. 168).

11 To put it bluntly, there is no other explanation for the difference in treatment of the Western and non-Western religious rioters except scholarly disbelief concerning the capacity of Hindu, Muslim, Sikh or Buddhist crowds to engage in rational action, and the failure to appreciate the powerful appeal of religion to the minds of men and women, in a manner comparable to its hold over the French Catholics and Huguenots, locked in mortal combat three centuries ago, or even in a manner analogous to contemporary Northern Ireland. That some of these negative readings are actually provided by scholars from the same cultural background as the Indian rioters, who, despite their common origin, fail to see what was obvious to their subjects, only goes to show how solid and secure the hold of orientalism is on the scholarly imagination.

12 Gopal Krishna, from incidents of communal violence, 1961–70, recorded by the Home Ministry of India, describes the causes of communal violence as follows: festivity or celebrations, 26.6 per cent, private property disputes, 19.3 per cent, quarrels over women, 16.9 per cent, personal transactions or enmities, 16.5 per cent, cow slaughter, 14.4 per cent, desecration of religious places, 4.0 per cent, disputes over graveyards, 2.1 per cent. According to his analysis, over half the cases had a material reason for the outbreak of violence (1985: 66).

13 'According to the survey, the 1984 riots were largely the outcome of business rivalry, though the immediate provocation was provided by the Shivaji jayanti procession. The well-entrenched and the newly emerging traders came to perceive competition between them in trade along religious lines, enhanced the duration in intensity of the riots' (Rajgopal 1987: 81).

14 The communities in conflict have to be sufficiently numerous in the local context for their conflict to get on to the local political agenda. 'More riots occur in districts which have a Muslim population varying between 15 per cent and 59.3 per cent' (Rajgopal 1987: 19).

15 King refers to the political salience of language in terms of its iconic role, one that 'can serve either as a badge of membership in the community or as a means of exclusion and exile . . . an "icon" that evokes murderous impulses in

human beings, that even the written form of a language could goad people into murder and fury' (1998: 29).

16 See Hardgrave (1993) for the specific case of language-based communal riots and Harrison (1965) for the threat of identity conflict to the prospects for order in the nascent post-colonial state. The battle for Urdu became a symbol and an icon of ethnic pride and religious self-respect (King 1998: x).

17 When the Dar Commission was set up in 1948, Nehru was able to influence it into recommending that in forming provinces the emphasis should be primarily on administrative convenience. The homogeneity of language should enter into consideration only as a matter of administrative convenience.

18 King believes, through subsequent creation of further federal units on the basis of language and cultural identity around a relatively stable core of current states, that India has found an effective and a dynamic solution to a vexed problem that has split Pakistan and continues to haunt the leaders of Sri Lanka. He sums up the general implications of the case of language conflict as 'the Indian Paradox: if you do not decentralise you will balkanise' (1998: 212).

19 As regards case law, *State of Bombay* v. *Bombay Education Society* AIR 1954 SC 561 held it to be unconstitutional to refuse admission to students whose mother tongue was not English. *Re Kerala Education Bill* AIR 1958 SC 956 confirmed the right to preserve script and language through educational constitutions. *Gujarat University Ahmedabad* v. *Krishna Ranganath Mudholkar* AIR 1963 SC 703 held that the Gujarat University was not empowered to impose Hindi or Gujarati as the exclusive medium of instruction. *Jagteswar Singh Banga* v. *State of Orissa* AIR 1977, Orissa, 30 held that denial of admission to medical colleges because the applicant was unable to speak or write Oriya is unconstitutional. This is just a brief selection of a huge number of cases.

20 See Mitra and Fischer (2002) for detailed case histories, legislation and expert comments.

21 In preparing the Penal Code, the Commission drew not only upon the English and the Indian laws and regulations, but also upon Livingstone's Louisiana Code and the Code Napoléon. See Ratanlal and Dhirajlal (1992: iv).

22 The Resolution of the All-India Muslim Conference, 1 January 1929, held that '[H]aving regard to the political conditions obtaining in India it is essential that the Indian Constitution should embody adequate safeguards for protection and promotion of Muslim education, languages, religion, personal law and Muslim charitable institutions' (Gwyer and Appadorai 1957: 245).

23 Ibid., pp. 423–6.

24 See Mahmood (1985: 110–20).

25 The phrase 'realms of memory' is used by Pierre Nora and his co-authors in describing the major monuments of France which are constitutive of French identity. See Nora (1992).

26 The BJP leaders and Home Minister, Mr Advani, 'categorically committed before the Liberhan Commission that the court verdict on the Ayodhya issue will be binding on the BJP' ('BJP to abide by court verdict on Ayodhya', *Statesman Weekly*, 19 May 2001: 7). Interestingly, the same article also reveals the extent of conflicting opinion within the Hindu nationalist movement as a whole with regard to the competence of the modern state to dictate terms to society in the area of core values of public morality: 'The setting up of the Liberhan Commission was "motivated" and it should be disbanded immediately, VHP senior vice-president, Acharya Giriraj Kishore said today.'

27 The concept of a 'majority community' is challenged by Heinrich von Stietencron (1989). He refers to Hindus as having a 'geographically defined group of distinct religions' (p. 2).

28 Thus, while the rights of the individual to equality were to be seen as a funda-

mental value, milk cattle were to be protected in the interest of the agrarian economy, the tradition of *devadasis* was to be suppressed for the sake of morality and religious minorities were to be provided for with regard to their separate educational establishments.

29 This is defined as the common denominator of Indian culture by its proponents, who insist on adherence to its values as the basis of citizenship in India. The Indian Supreme Court has accepted *hindutva* as a manifestation of Indian culture rather than being synonymous with the Hindu religion. See Sharma (2003) for the argument regarding the incommensurability of the paradigms of *hindutva* and that of the liberal state.

30 'Ayodhya Site to Be Excavated: Court Gives ASI a Month to Finish Job' (*Hindustan Times* (New Delhi), 6 March 2003: 1). The three-member bench consisting of Justice Sudhir Narain, Justice Rafat Alam and Justice Bhanwar Singh issued the order on the basis of evidence provided by a radar survey of the likely existence of a structure under the demolished mosque. The court order, while seeking factual evidence behind the myth of the Ram Temple, was particular about making sure that the status quo with regard to worship and ownership is not any way affected by the process of excavation.

31 Ibid.

32 'This is the time for sensible politicians to step in, before the courts are forced to intervene with a sub-optimal solution', for a court-imposed order, which would inevitably create winners and losers, would leave a trail of bitterness on the part of those who would 'lose face' in consequence (R. Jagannathan, 'Ayodhya – Courts Aren't the Answer', *Business Standard* (Delhi), 11 March 2003: 7).

33 *Dr Ramesh Yeshwant Prabhoo*, Appellant v. *Prabhakar Kashinath Kunte and others*, Respondents, WITH *Bal Thackeray*, Appellant v. *Prabhakar Kashinath Kunte and others*, Respondents, AIR 1996 SC 1113.

34 Thus, for example, referring to Muslims as snakes or *lande* (an obscene reference to a circumcised penis). The court's understanding of culture and context appears to have evolved way beyond the early years after independence, when an invocation of modernity was considered enough.

35 'Any speech wherein expression "Hindutva" or "Hinduism" are used, irrespective of their meaning, cannot by itself fall within the ambit of sub-sec 3 of Section 123, unless the speech can be construed as an appeal to vote for a candidate on the ground that he is a Hindu or to refrain from voting for a candidate on the ground of his religion, i.e., his not being a Hindu. Mere reference to any religion is an election speech does not bring it within the net of sub-sec 3' (AIR 1996 SC 1113, para. 16).

36 This was the opinion of Mr Rajiv Dhavan, a senior advocate with whom I spoke in 2002 (in Delhi).

37 Baroda (Gujarat), 1999. The interviewee was a male Hindu (Brahmin), MA in Politics, who held a senior position in the police.

38 The involvement of Muslim women in defence of human rights gives a particular piquancy to the larger theme of the empowerment of those on the social margins and governance, which is reconsidered in the concluding chapter.

39 The respondent was a male Rajput Hindu aged 38 with an MA in International Studies. A member of the Indian Administrative Service, he was, at the time of the interview, secretary to the Chief Minister. When he was the district magistrate of Junagarh, he had averted a major communal conflagration through persuasion and negotiation with the Muslims. This success gave the respondent tremendous confidence and he was also given the Best Collector award in 1991 and 1993 by the state government.

40 Gujarat no. 3, Gujarat, 1999. The respondent, aged 43, was a male Hindu scheduled-caste civil servant with a wide range of administrative experiences.

41 Punjab, interview no. 6, 1999. The respondent was a Sikh lady aged 58, college educated, who belonged to a Jat landlord family. Her father had very close relations with Nehru through philanthropic work for the Dalits. She was a member of the Consumer Court in Punjab, the Central Social Board, the Public Women and Child Development Corporation, the Governing Body of the State Red Cross, the State Child Welfare Council, and the Bharatiya Gramin Mahila Sangh at the state level and was, at the time of the interview, chair of the Public State Women's Commission.

42 Naipaul's *India: A Million Mutinies Now* is the most celebratory expression of this theme.

43 No attempts have been made in India to institutionalise symbols or methods that would elevate the victims of communal violence into dignified citizens secure in their identity. There has been no South African-style Truth Commission, or the equivalent of a Holocaust Museum, or elaborate trials of the authors of atrocities and other symbolic acts by the state that could transform the victims of violence. (The authors of the 1984 anti-Sikh pogroms in Delhi are still to be brought to justice.)

44 Ronald Inden has criticised this essentialised view of the modern state in South Asia as a 'nation-state that remains ontologically and politically inaccessible to its own citizens' (1990: 197–8), a sentiment whose echo one finds every so often in the narratives of policemen and administrators.

8 Negotiating governance in changing societies: beyond the Indian model

1 As *good* governance, it is a useful instrument for international agencies keen to occupy the moral high ground in contemporary debates on justice, violence and welfare. The trend might have been started off inadvertently by social science itself, seeking to define good governance as a 'model of liberal democratic polity, which protects human and civil rights, combined with competent, non-corrupt and accountable public administration' (Leftwich 1993).

2 There is no threshold or cut-off point below which the process ceases to be substantively meaningful. Seen thus, governance failure would be a misnomer and everyone engaged 'in the process of governance' can get a prize. We are back to the enchanting world of Alice. '[The players] began running when they liked, and left off when they liked, so that it was not easy to know when the race was over. . . . At last the Dodo said, "*Everybody* has won, and *all* must have prizes."' (Carroll [1865] 1998: 26).

3 'Governance is the exercise of political, economic and administrative authority to manage a nation's affairs. It is the complex mechanisms, processes and institutions, through which citizens and groups articulate their interests, exercise their legal rights and obligations, and mediate their differences. Characteristics of good governance: Participatory, Transparent, Inclusive, Accountable, Effective' (from a publicity campaign of the UNDP in 1998).

4 'But', as Forster comments, 'nothing in India is identifiable; the mere asking of a question causes it to disappear or to merge in something else' (Forster [1927] 1985: 92). Forster's comment follows the puzzlement of Ronnie, the British civil servant already familiar with Indian ways, and Adela, his intended bride, freshly arrived in India, at how to classify an Indian bird, exotic to their eyes, in the neat categories of British ornithology. For the methodological implications of a hiatus between model and reality, see my 'Flawed Paradigms: Western Models of Indian Politics' in Mitra (1999a).

5 At the time of writing, as India settles down to orderly rule after an electoral campaign marked by thinly disguised xenophobia, the national arena is still alive with political parties and coalitions manoeuvring for advantage, and grandstand-

ing. The orderly transition following a largely unanticipated outcome to the 2004 parliamentary elections, and the effortless ease with which the new government coalition has taken charge of the country, come across as astonishing when compared to the tenor of Indian politics of only a decade back, when the divisive politics of cultural identity and class conflict dominated the discourse.

6 The latest attempt to do so, by the way of the National Agenda of Governance of the NDA coalition that ruled India from 1999 to 2004, trying to capitalise on this success story, has already been relegated to the status of one of those campaign slogans that did not quite catch the pulse of the people.

7 India continues to live up to her reputation for being a land of contradictions. Even in the UPA government, presided over by one of the least politically tainted of post-independence leaders, there is a man who has been described as a 'cold-blooded murderer and a hard-core criminal': 'The RJD's fief [the Rastriya Janata Dal is one of the main coalition partners of the ruling Congress Party] is Bihar, which, with more than 80m people, is India's third most populous state, and the one where crime and politics are most inextricably linked. A notorious gangster, Mohammad Shabuddin, was re-elected to parliament last month for the RJD. The fact that he is notionally in prison – in practice, in a comfortable hospital – and was described in a police report last year as a "cold-blooded murderer and a hard-core criminal" was, apparently not an insurmountable obstacle' ('India's Tainted Ministers: The Boys from Bihar', *The Economist*, 19 June 2004: 63–4).

8 The same pas-de-deux of participatory democracy and authoritarian rule repeats itself without end in several regional arenas of the Indian political system. India's regions are replete with variations on the main theme of charisma and corruption, the most recent cases being the return of two corrupt yet charismatic Chief Ministers, Jaylalitha in Tamil Nadu in India's deep South, and the eternally surviving rule of Laloo Prasad Yadav of Bihar.

9 One of the best recent examples of this is the creation of the three new states of Uttaranchal, Chhattisgarh and Jharkhand. The constitutional move, in a way, goes against the grain for the BJP, successor to the unitary tradition of Hindu nationalism. But the BJP, given the explicit evidence of the culture of governance that has spread across India's political class, has also come to realise the power and legitimacy that accrues from federalism.

10 Morris-Jones, commenting on India, quotes Galileo's famous aphorism about the earth, '*Eppur si muove*' ('Still it moves'), to make the point (Morris-Jones 1987: 272).

11 The study has benefited enormously from recent advances in rational choice, particularly in terms of the concepts of bounded rationality, path dependency and analytical narratives.

12 This important theme is outside the scope of this book. See Mitra and Singh (1999) for a statement of the problem.

13 Around the 'core' explanatory variables are also others such as harmony or 'vote has effect' that emerge as not significant. This is not to say that they do not play a role, for in fact they do, when their effects are measured in multiple correlations. However, in a regression model, when several explanatory variables are correlated among themselves, the multicollinearity wipes out the contribution of all but one in the results with regard to regression coefficients.

14 The continuation of the administration of rights of various groups of interests that form part of the Jagannath temple and religious communities within the secular State of Orissa, with the Gajapati King of Puri playing a significant role in both administration and ritual, provides an interesting regional model of the accommodation of the secular state and the sacred beliefs of important groups of people. See Mitra (1994).

15 Consider, for example, the difficulty that Indologists face in describing Hinduism both as a concept from classical texts, and as a lived-in category. 'Terms are intended for communication. Their purpose is to evoke in the listener a specific notion, the same notion the speaker has in mind and which should correspond to the reality which is to be conveyed. Therefore much of our intellectual and academic exchange depends upon the choice of terms and on their capacity to convey specific information with a reasonable amount of clarity. If everyone can derive different sets of meaning from the terms "Hinduism" and "religion" these terms obviously fail to serve their purpose' (Stietencron 1989: 19). For a similar argument on India's 'regional' Islam, see MacPherson (2003).

16 See Mitra and Singh (1999: 213ff.).

17 Long before India's independence and the formal consecration of the multicultural concept in the constitution, Forster gave voice to this relationship of power and identity in an evocative scene towards the end of *A Passage to India* where he re-enacts the theme of race, culture and power under colonial rule: 'Down with the English, anyhow. That's certain. Clear out, you fellows, double quick, I say. We may hate one another, but we hate you most. If I don't make you go, Ahmed will, Karim will, if it's fifty or five hundred years we shall get rid of you, yes, we shall drive every blasted Englishman into the sea, and then' – he rode against him furiously – 'and then', he concluded, half kissing him, 'you and I shall be friends'.

'Why can't we be friends now?' said the other, holding him affectionately. 'It's what I want. It's what you want'.

But the horses didn't want it – they swerved apart; the earth didn't want it, sending up rocks through which riders must pass single-file; the temples, the tank, the jail, the palace, the birds, the carrion, the Guest House, that came into view as they issued from the gap and saw Mau beneath; they didn't want it, they said in their hundred voices. 'No, not yet', and the sky said, No, not there' ([1924] 1985: 289).

18 The paradox of the perceived importance of parties to governance but not of party membership (Table 8.1) can be explained by the fact that the latter is not seen in the same rigorous form as party membership in Europe, entailing the payment of dues and participation in party-related activities.

19 I have chosen the subtitle of this section from Grindle (1997) to highlight the comparability of Indian data with the cross-cultural analysis presented by Grindle and her associates.

20 The access that elite discourse provides to these experiments in governance is both fascinating and illuminating and under-rated in previous scholarship. See Allen (1975) and N.K. Singh (1996).

21 In the words of Schutz, 'Both the homecomer and the welcomer will need the help of a Mentor "to make them wise to things" ' (1964, 119).

22 '*Omnia mutantur, nihil interit*' ('Everything changes, nothing perishes'; Ovid, *Metamorphoses*).

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